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DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 2005

JULY 1, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WOLF, from the Committee on Appropriations, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 4754]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005.

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SUMMARY OF ESTIMATES AND RECOMMENDATIONS

The Committee recommends a total of $39,815,000,000 in discretionary budget authority for the departments and agencies funded in this bill. The recommendation is $239,967,000 above the request and $2,217,174 above the amounts enacted for the current fiscal year. The Committee also recommends $702,815,000 for mandatory programs funded within this bill.

The following table provides a comparison of the new budget authority and outlays recommended in the accompanying bill with the amounts appropriated for fiscal year 2004, and the budget request for fiscal year 2005:

[In millions of dollars]

	FY 2004 enacted	FY 2005 request	FY 2005 recommended	FY 2005 recommendation compared with	
				FY 2004 enacted	FY 2005 request
Discretionary	37,598	39,575	39,815	+2,217	+240
Mandatory	649	703	703	+54	.....
Total	38,247	40,278	40,518	+2,271	+240

HIGHLIGHTS OF THE BILL

Major initiatives and highlights contained in the recommendation follow:

TITLE I.—DEPARTMENT OF JUSTICE

[In millions of dollars]

	FY 2004 enacted	FY 2005 request	FY 2005 recommended	FY 2005 recommendation compared with	
				FY 2004 enacted	FY 2005 request
Discretionary [1]	19,603	19,709	20,611	+1,008	+902

[1] FY 2004 Enacted amount includes $15,000,000 in supplemental appropriations.

—$20.6 billion in discretionary funding for the Department of Justice, $1 billion above the fiscal year 2004 level and $900 million above the President's request;

—$624 million increase for the Federal Bureau of Investigation to enhance their intelligence, counterterrorism, cybercrime, and counterintelligence, while maintaining their ability to fight traditional crimes;

—$77 million increase for the Drug Enforcement Administration to enhance Federal law enforcement's ability to fight drug crime;

—$3 billion to assist State and local law enforcement to fight crime, $884.5 million above the request including: the Edward Byrne Memorial Justice Assistance Grants program ($634 million), the State Criminal Alien Assistance Program ($325 million), juvenile justice and accountability programs ($349 million), law enforcement technologies ($130 million), the DNA backlog elimination program ($178 million), Community Oriented Policing Services enhancement grants ($112 million), and violence against women prevention and prosecution programs ($383 million);

—$27.3 million increase for the United States Marshals Service to ensure that the Federal judiciary operates safely and efficiently;

—$43.1 million increase for the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce our Nation's gun and explosives laws.

TITLE II.—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

[In millions of dollars]

	FY 2004 enacted	FY 2005 request	FY 2005 recommended	FY 2005 recommendation compared with	
				FY 2004 enacted	FY 2005 request
Discretionary	5,946	6,061	5,760	−186	−301

—$320 million for the Economic Development Assistance programs;

—$1.52 billion for the Patent and Trademark Office;

—$504.8 million for the international trade agencies;

—$3.2 billion for the National Oceanic and Atmospheric Administration, including $784 million for the National Weather Service;

—$525 million for the National Institute of Standards and Technology, including $106 million for Manufacturing Extension Partnership.

TITLE III.—THE JUDICIARY

[In millions of dollars]

	FY 2004 enacted	FY 2005 request	FY 2005 recommended	FY 2005 recommendation compared with	
				FY 2004 enacted	FY 2005 request
Discretionary	4,822	5,372	5,213	+391	−159

—$5.2 billion for the on-going activities of the Federal courts and probation and pretrial services offices, an increase of $391 million above the fiscal year 2004 level and $159 million below the request to accommodate an increase in the number of representations required under the Criminal Justice Act, to address court security requirements, and to fund salaries and other expenses of judicial operations.

TITLE IV.—DEPARTMENT OF STATE AND RELATED AGENCY

[In millions of dollars]

	FY 2004 enacted	FY 2005 request	FY 2005 recommended	FY 2005 recommendation compared with	
				FY 2004 enacted	FY 2005 request
Discretionary [1]	8,608	8,988	8,908	+300	−80

[1] FY 2004 Enacted amount includes $564,900,000 in supplemental appropriations.

—Provides a 5.3 percent increase over fiscal year 2004 for the basic operations of the Department, excluding supplemental appropriations;

—Provides 110 new positions to respond to high priority diplomatic requirements, including funding to support the creation of 63 new foreign service positions to be dedicated to visa adjudication, 10 positions for public diplomacy efforts, and 37 positions for anticipated mission requirements in Sudan, Libya, and Haiti;

—Provides over $1.524 billion for embassy security programs, an increase of $147.2 million over fiscal year 2004. This increase includes 71 new diplomatic security personnel and $785.37 million for State Department's share of the costs of a capital security cost sharing program which will result in acceleration of the program to construct secure replacement facilities for American personnel serving overseas;

—Includes $1.194 billion to fully cover anticipated assessments for U.S. membership in the United Nations and other international organizations;

—Includes $650 million for contributions for international peacekeeping activities, the full amount requested; and

—Includes $610.3 million for international broadcasting, including increases for radio and television broadcasting to the Middle East.

TITLE V.—RELATED AGENCIES

[In millions of dollars]

	FY 2004 enacted	FY 2005 request	FY 2005 recommended	FY 2005 recommendation compared with	
				FY 2004 enacted	FY 2005 request
Discretionary[1]	2,170	2,401	2,374	+204	−27

[1] FY 2004 Enacted amount includes $10,000,000 in supplemental appropriations.

—$203 million for the Federal Trade Commission including full funding for the National Do-Not-Call program;

—$913 million in total budget authority for the Securities and Exchange Commission to protect investors and combat corporate fraud; and

—$672 million in total budget authority for the Small Business Administration, including $90 million for the Small Business Development Centers to conduct outreach to the Nation's small businesses and a record $12.5 billion 7(a) business loan program, as requested, to help small businesses access capital.

RIGHT-SIZING

The Committee strongly supports interagency efforts to right-size the overseas presence of the United States Government. The Com-

mittee understands the definition of right-sizing to be the systematic and thorough review of all overseas missions and staffing levels and the reallocation of resources to achieve a leaner, streamlined, more agile, and more secure U.S. Government presence abroad. The Committee expects agencies funded in this bill to cooperate fully with all interagency efforts to achieve effective right-sizing.

The 1998 terrorist attacks on two U.S. Embassies in Africa highlighted security deficiencies in diplomatic facilities. The bombings in Saudi Arabia, the assassination of a USAID employee in Jordan, and the closure of the U.S. Embassy in Kenya underscore continued threats against U.S. personnel overseas. The attacks on the American Embassies in Africa prompted the creation of the Overseas Presence Advisory Panel, which proposed significant recommendations regarding right-sizing that have subsequently been embraced by this Committee, and included in the President's Management Agenda. In addition, the General Accounting Office (GAO) has studied right-sizing the Nation's overseas presence. The GAO reports found that U.S. agencies' staffing projections for new embassy compounds are developed without a systematic approach or comprehensive right-sizing analysis. In response, the GAO developed a framework of questions designed to link staffing levels to three critical elements of overseas diplomatic operations (1) physical/technical security of facilities and employees; (2) mission priorities and requirements; and (3) cost of operations. In light of continuing security vulnerability, the Committee intends to ensure that such a framework is established and followed.

The Committee expects that the fiscal year 2006 budget request will continue to reflect the application of a right-sizing methodology. Increases or expansions should be justified in terms of mission priorities both within the agency, and within the specific diplomatic mission, and should be, to the maximum extent possible, accompanied by offsetting decreases to maximize the allocation of scarce resources to emerging priorities. A proper plan should include a systematic analysis to bring about a reconfiguration of overseas staffing to the minimum level necessary to meet critical U.S. foreign policy goals. The Committee expects to receive this additional analysis prior to the establishment or expansion of any activities beyond those currently approved.

REPROGRAMMINGS, REORGANIZATIONS, AND RELOCATIONS

The House and Senate reports accompanying the appropriations bills for the Departments of Commerce, Justice, and State, the Judiciary, and the Related Agencies for several years have contained language concerning the reprogramming of funds between programs and activities. This matter is addressed in section 605 of the General Provisions contained in the accompanying bill.

The Committee expects each department and agency to follow closely the reprogramming procedures listed below, which are identical to provisions that applied in statute during fiscal year 2004. These procedures apply to funds provided under this Act, or provided under previous Appropriations Acts that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury available to the agencies funded by this Act.

The Committee expects that the Chairman of the Appropriations Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies will be notified by letter a minimum of 15 days prior to-

(1) Reprogramming of funds, whether permanent or temporary, in excess of $500,000 or 10 percent, whichever is less, between programs or activities. This provision is also applicable in cases where several activities are involved with each receiving less than $500,000. In addition, the Committee is to be notified of reprogramming actions which are less than these amounts if such actions would have the effect of committing the agency to significant funding requirements in future years.

(2) Increasing funds or personnel by any means for any project or activity for which funds have been denied or restricted.

(3) Creating new programs, offices, agencies or commissions or substantially augmenting existing programs, offices, agencies or commissions.

(4) Relocating offices or employees.

(5) Reorganizing offices, programs, or activities.

In addition, the Committee expects any department or agency funded in the accompanying bill that is planning to conduct a reduction-in-force to notify the Committee by letter 30 days in advance of the date of the proposed personnel action.

The Committee also expects that any items that are subject to interpretation will be reported.

The Committee is concerned that, in some instances, the departments or agencies funded within this Appropriations Act are not adhering to the Committee's reprogramming policy and procedures that are set forth in this report and in section 605 of the accompanying bill. The Committee expects that each department and agency funded in the bill will follow these notification policies precisely and will not reallocate resources or reorganize activities prior to submitting the required notifications to the Committee. The Committee has provided each of the departments, the Judiciary, and the Small Business Administration with transfer authority, which is the same as the transfer authority provided in the fiscal year 2004 Appropriations Act. The Committee believes such authority, together with the traditional reprogramming policy, gives each department, the Judiciary, and the Small Business Administration the needed flexibility to respond to unanticipated circumstances and requirements, which may arise throughout the fiscal year.

RELATIONSHIP WITH BUDGET AND COMPTROLLER'S OFFICES

Through the years the Appropriations Committee has channeled most of its inquiries and requests for information and assistance through the budget offices or comptroller organizations of the various departments, agencies, and commissions and the Judiciary. The Committee has often pointed out the natural affinity and relationship between these organizations and the Appropriations Committee that makes such a relationship imperative. The Committee reiterates its position that, while it reserves the right to call upon all organizations in the departments, agencies, and commissions and the Judiciary for information and assistance, the primary contact between the Committee and these entities must be through the

budget offices and comptroller organizations. The Committee reserves the right to call upon all organizations throughout the agencies.

The workload generated in the budget process is large and growing, and, therefore, a positive, responsive relationship between the Committee and the budget and/or comptroller offices is absolutely essential to the appropriations process to ensure that the information needs of the Committee are met in order to fulfill the Constitutional responsibilities of the Congress.

FULL COMPLIANCE WITH THE TELEWORK DIRECTIVE

Advances in information and computer technology, the development of the Internet, and the growth of wireless and digital products have given some Federal employees the ability to telework, or work anytime from almost any place. Management considerations, such as productive and satisfied workers; environmental considerations, such as reduced traffic congestion and improved air quality; and quality of life considerations, such as accommodating the short- or long-term health needs of employees, require the establishment of telework programs.

Policies on telework continue to evolve. Among the factors that contribute to successful programs are top management support and a clear telework agreement that includes expectations with measurable goals, accountability, and performance results. The Committee is committed to telework programs in the Federal government and is impressed by the efforts of some of the agencies under its jurisdiction. For example, nearly 2,000 employees at the U.S. Patent and Trademark Office now experience the benefits of telecommuting, representing about twenty-five percent of the workforce. However, full implementation of telecommuting policies remains to be achieved.

The fiscal year 2005 Appropriations Act for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies includes a provision requiring that the Departments of Commerce, Justice, and State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration certify that telecommuting opportunities have been made available to 100 percent of the eligible workforce. Previous public laws have required the departments and agencies to each establish a policy under which eligible employees may participate in telecommuting to the maximum extent possible without diminished performance. Noting that each entity should have met this requirement, the Committee requires certification that each has done so. In addition, of the total amounts appropriated to each of the departments, the Judiciary, the Securities and Exchange Commission and the Small Business Administration, $5,000,000 shall be available only upon such certification, and these agencies should report to the Committee on the activities undertaken with these funds. Language is repeated from fiscal year 2004 requiring agencies to designate a Telework Coordinator.

BUDGET PRESENTATION

The Committee is supportive of budget and performance integration so that government programs can become more results-ori-

ented. The Committee understands that the Administration's Program Assessment Rating Tool (PART) will assist government agencies in measuring success and strategic planning. While the amount of performance data included in budget documents has increased, in many cases it has been at the expense of programmatic budget data and justifications that are critical to the work of the Committee. The Committee expects all Departments and agencies covered under this Act to consult with the Committee on this issue before submission of the fiscal year 2006 Budget Request and justification materials.

TITLE I—DEPARTMENT OF JUSTICE

Despite severe funding limitations faced by the Committee in fiscal year 2005, the recommendation for the Justice Department reflects the overriding priority of the Committee to ensure that Federal, State and local law enforcement has sufficient resources to address the threat of terrorism while continuing to perform traditional law enforcement activities to prevent and investigate crimes. The recommendation reflects the Committee's commitment to combating terrorism, espionage, cybercrime, gang-related crime, illegal drugs, and corporate fraud.

The Committee recommends $20,846,446,000 in new budget authority in the accompanying bill for the Department of Justice for fiscal year 2005. This amount is $1,046,172,000 above the current year and $901,707,000 above the budget request. Of the total amount provided, $20,610,807,000 is derived from general purpose discretionary funds and $235,639,000 is scored as mandatory spending.

The recommendation establishes a new Intelligence Directorate in the Federal Bureau of Investigation (FBI) to strengthen the Bureau's intelligence capacity and ensure intelligence is interwoven throughout the agency. In addition, the recommendation incorporates H.R. 4564, which provides the FBI Director with new, more flexible retention, recruitment and retirement authorities. These new authorities will improve the FBI's ability to compete for highly qualified staff with the other members of the Intelligence Community and the private sector.

In addition to the creation of an Intelligence Directorate and new, flexible personnel tools, the recommendation provides funding for more than 1,000 additional agents, analysts and support staff for intelligence and counterterrorism activities, along with additional funding to address issues such as child prostitution and gang-related crime.

The creation of the new directorate, the new personnel authorities and the additional funding provided by this bill will allow the FBI to take the next step in its transformation from a traditional law enforcement agency to an agency focused on combating international terrorism and other evolving national security threats.

The recommendation also supports the requirements of the other Federal law enforcement agencies in the Department of Justice by fully funding the requests for the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives, and providing a $10,000,000 increase above the request for the United States Marshals Service to enhance its capability to protect the judicial process.

Finally, the recommendation continues the Committee's commitment to supporting our nation's police and sheriffs' departments by providing an increase of $885,581,000 above the Administration's request for State and local law enforcement grants. The recommendation provides increases above the request for the Edward Byrne Justice Assistance Grants program (+$125,000,000), the State Criminal Alien Assistance Program (+$325,000,000), COPS enhancement grants (+$113,000,000), juvenile justice and accountability programs (+$104,533,000), meth hot spots (+$40,000,000), and law enforcement technologies (+$130,000,000).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends a total of $124,906,000 for General Administration for fiscal year 2005. This amount is $19,342,000 above the level provided in the current year and $61,645,000 below the request.

This account supports the development of policy objectives and the overall management of the Department of Justice. The recommendation fully funds the request for the Office of Intelligence Policy and Review, including a program increase of 30 additional positions and $6,592,000. The recommendation also fully funds the requested program increase of 16 additional positions and $3,020,000 for the Security and Emergency Planning Staff, including $1,500,000 for the implementation of a Department-wide personnel security tracking system. In addition, the recommendation provides an increase of $395,000 to strengthen hiring and diversity policies and $500,000 to enhance attorney recruitment and retention through the student loan repayment program. The Committee strongly supports the request for the Justice Unified Telecom Network, Public Key Infrastructure, enterprise architecture, the information sharing initiative, IT project oversight, the investment management project and the unified financial management system. The Committee recommendation assumes all of these projects will be funded by the Department's Working Capital Fund.

The Committee directs the Department to provide quarterly reports describing Department resources dedicated to Indian Country and to combating illegal activity at Native American Casinos. This report shall include: the number of agents assigned to Indian Country; man-hours worked in Indian Country; the amount and types of training provided; the number of matters initiated; the number of cases; the number of subjects/defendants; the number of convictions; the amount of restitution ordered; and the actions of the Indian Gaming Working Group, including coordination with the National Indian Gaming Commission.

Consistent with direction included in previous years, the recommendation includes necessary sums to continue efforts to replace locks used to store classified information.

Office of Privacy and Civil Liberties.—Since September 11, 2001, the Congress has provided both significant additional resources and broad legal authorities to the Justice Department to meet its counterterrorism responsibilities. In fiscal year 2004, the Committee directed the Department to designate a senior policy official to assume responsibility for developing appropriate civil rights

safeguards, particularly as related to the war on terrorism, and for coordinating the work of all Department components involved in these efforts. The Committee understands that the Office of the Deputy Attorney General has appointed two officials with responsibility for reviewing civil rights and civil liberties issues. The recommendation provides not less than $690,000 for the salaries and benefits of this office, including funding for two additional professional staff positions to facilitate the work of the office. The Committee directs the Department of Justice to submit a report to the Congress, detailing the specific responsibilities and authority of the Office of Privacy and Civil Liberties protection within 30 days. Subsequently, the Committee directs the Department of Justice to report to the Committee annually on the activities of the office.

Budget Models.—The Committee is concerned that the Administration is not adequately budgeting for the incarceration needs of the Department. The Committee recognizes that the Department's highest priority is the prevention of terrorism and fully supports this priority. However, the Committee is concerned that, while the Department is focused on hiring as many agents, analysts and attorneys as necessary to prevent terrorism and prosecute terrorists, the budget request does not fully support the budgetary needs of all components of the criminal justice system, particularly the U.S. Marshals Service, the Detention Trustee and the Federal Prison System. For example, in fiscal year 2004, the Department submitted a reprogramming request for the Detention Trustee to address a $109 million shortfall, even though the Committee had provided a level of funding consistent with the budget request. The Department's fiscal year 2005 budget request for the Federal Prison System includes more than $100 million in savings and program reductions even though the prisoner population is estimated to grow by 7,927 inmates next year. In order to ensure that the budgetary needs of each component of the criminal justice system are being adequately addressed, the Committee directs the Department to submit a report, no later than August 1, 2005, describing how the hiring of an investigator impacts the workload of the U.S. Attorneys, the U.S. Marshals Service, the Detention Trustee, and the Federal Prison System. Recognizing that each investigating agency's mission is different and can impact the workload of other components of the criminal justice system in different ways, the Committee expects the Department to create budget models for each type of investigating agent. For example, if an additional Drug Enforcement Administration agent is requested, the Department should identify the corresponding future increase needed for additional staff for the U.S. Attorneys and the U.S. Marshals Service and also project the increase needed in bed space at Federal detention facilities and the Federal Prison System.

Fast Track Programs.—The Committee understands that some courts and U.S. Attorneys Offices, such as those along the Southwest Border, have expedited disposition or "fast track" programs where U.S. Attorneys offer lower sentences for certain non-violent drug and immigration cases in return for plea agreements and agreements not to appeal, and courts use streamlined procedures to process the disposition of these cases. The Committee understands that the Southwest Border courts could not manage their criminal caseload without this program and that this program re-

duces costs throughout the criminal justice system including costs for jurors, interpreters, marshals, prosecutors, Federal defenders, district and appellate courts, marshals' detention, and BOP incarceration. The Committee directs the Department to submit a report within 45 days of enactment of this Act providing a list of the fast track programs operating throughout the country and an estimate of the resources the Justice Department saves through these programs. The report shall also discuss opportunities to expand fast track programs to other districts. The Committee believes that, in order to provide Federal law enforcement with the resources required to investigate and prosecute terrorists, while funding the operational needs of the other elements of the criminal justice system including the Detention Trustee, the Federal Prison System and the Marshals Service, innovative processes must be developed to operate within existing funding levels.

Gangs.—The Committee is concerned with the growth in gang-related crime throughout the country. In order to address this problem, the Committee has included the following increases to specifically address gang crime prevention, investigation, and prosecution: $10,000,000 to enhance the FBI intelligence capabilities related to gangs; $5,000,000 for additional ATF special agents, $3,029,000 for 25 additional U.S. Attorneys, and $20,000,000 in State and local law enforcement grants in the Juvenile Justice program. The Committee believes that the Department needs to coordinate its efforts to address gang-related crimes. The Department is directed to submit a report to the Committee no later than 180 days after enactment of this Act on how the Department is addressing gangs throughout the country, including the possibility of creating an Interagency Law Enforcement account to address the gang problem similar to the way the Department uses the Organized Crime Drug Enforcement Task Forces to address drug cases.

International Law Enforcement Alliance.—The Committee believes there is a need to improve the sharing of information with and among the national law enforcement agencies of our allies. The creation of an international law enforcement alliance would allow the Department and the Federal Bureau of Investigation to formally share information and conduct joint operations with law enforcement agencies in other countries. The Committee understands that the FBI and the Department are pursuing such a proposal with the North Atlantic Treaty Organization. The Committee urges the Department to quickly move forward on this effort.

The Committee notes that the Department has yet to submit the quarterly reports required by section 611 of the fiscal year 2004 Conference Report, and directs the Department to submit such reports promptly following the close of each quarter of the fiscal year.

The recommendation retains bill language proposed for deletion regarding position and workyear limits for the Offices of Public Affairs and Legislative Affairs and Departmental Leadership. The recommendation also retains bill language which makes up to $3,317,000 available until expended for Departmental building, renovation, maintenance, and security needs.

JOINT AUTOMATED BOOKING SYSTEM

The recommendation provides $20,000,000 for the Joint Automated Booking System (JABS), $1,026,000 above the current year

and $309,000 below the request. JABS enables Federal law enforcement components to electronically share criminal arrest data, which improves criminal identification response times and avoids duplication of booking data entry.

INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

The Committee recommendation provides $5,054,000 for this account, which is the same as the request and $8,000 above the current year. This account funds the continued integration of the FBI Integrated Automated Fingerprint Identification System (IAFIS) with other fingerprint identification systems now residing at the Department of Homeland Security (DHS).

The Committee understands this program has achieved its first mandate to make FBI IAFIS records available to DHS. The Committee understands that DHS is in the process of deploying this technology to additional locations. The recommendation provides funding for continued efforts to make DHS records available to the FBI and State and local law enforcement. This effort shall include ensuring that these systems can interface with DHS' new U.S.-VISIT program.

The Committee strongly encourages the Department to work closely with the Undersecretary for Border and Transportation Security and to provide all necessary resources to make these systems interoperable as soon as possible. The Committee also directs the Department to provide a report, not later that January 1, 2005, on the status of this effort, including the extent that DHS and IAFIS data are shared and accessible in real time when border checks are made. The report shall also discuss the implementation of the recommendations of the Office of Inspector General's March report on this project.

LEGAL ACTIVITIES OFFICE AUTOMATION

The Committee recommends $50,000,000 for the Legal Activities Office Automation (LAOA) program, which is $30,510,000 below the request and $23,251,000 above the current year. The Committee recommendation assumes the Department will transfer $30,510,000 from the Working Capital Fund to provide a total of $80,510,000 for this account. The recommendation places this funding under the "General Administration" sub-heading, instead of under "Legal Activities" as requested.

This account funds the Justice Consolidated Office Network, which is the standard office automation system upon which 15 Department of Justice components operate their mission-critical applications.

NARROWBAND COMMUNICATIONS

The Committee recommends $100,000,000 for this account, which is $2,085,000 below the current year and $1,971,000 below the request. The purpose of this account is to fund the Department's efforts to comply with the National Telecommunications and Information Administration narrowband mandates. This account funds component legacy network requirements, operations of the Wireless Management Office, the Integrated Wireless Network operations, and the acquisition of new equipment and services.

ADMINISTRATIVE REVIEW AND APPEALS

The Committee recommends $202,518,000 for this account, which is $11,024,000 above the current year and the same as the request. Of the total amount provided, $200,463,000 is for the Executive Office of Immigration Review (EOIR) and $2,055,000 is for the Office of the Pardon Attorney.

This appropriation supports the EOIR, which includes the Board of Immigration Appeals, Immigration Judges, and Administrative Law Judges who decide through administrative hearings on the admission or exclusion of aliens seeking to enter the country, and the transportation and adjustment of status of aliens whose status has been challenged; and the Office of the Pardon Attorney, which receives, investigates and considers petitions for all forms of Executive clemency.

The recommendation includes a program increase of 32 positions and $1,690,000 to address an anticipated increase in immigration workload.

DETENTION TRUSTEE

The Committee recommends $938,810,000 for the Federal Detention Trustee for fiscal year 2005, which is $133,280,000 above the amount provided in fiscal year 2004 and the same as the request. The recommendation includes increases for inflationary adjustments and for the anticipated daily cost of an increased number of detainees housed in non-Federal detention facilities.

The Committee is dismayed by the Justice Department's continuing inability to accurately project and request the full costs of its Federal prisoner detention needs. In fiscal year 2003, the Committee provided $40,000,000 in supplemental appropriations to the Detention Trustee for additional requirements and approved several reprogrammings to shift additional funds for detention costs. In fiscal year 2004, the Department has proposed another reprogramming of $109,000,000 toward such costs.

The Committee remains concerned that the Detention Trustee does not have a sound methodology to anticipate detention needs and costs. The Committee has asked the Justice Department to work to reduce the average number of days spent in Federal detention. The Committee believes that the Bureau of Prisons and the United States Marshals Service can work together to reduce detention time from sentencing to incarceration, and the United States Attorneys and the Federal Judiciary may be able to develop fast-track programs to expedite case review for non-violent offenders and thereby reduce detention time from arrest to sentencing. The Department should examine the entire Federal detention process from commencement to incarceration to find ways to operate within requested and appropriated funding levels.

The Committee (1) deletes language carried in previous years regarding functions and powers of the Detention Trustee; (2) deletes language carried in previous years regarding the authorities of the Detention Trustee; (3) provides that unobligated balances available in prior years from funds appropriated to the Federal Prisoner Detention account be transferred to the Detention Trustee account; and (4) retains language regarding the health and safety of Federal prisoners in non-Federal institutions.

OFFICE OF INSPECTOR GENERAL

The Committee recommends $63,813,000 for the Office of Inspector General, which is $3,613,000 above the current year and same as the request. The Office of Inspector General conducts and supervises audits and investigations relating to the programs and operations of the Department of Justice. The Inspector General keeps the Attorney General and the Congress informed about problems and deficiencies relating to the administration of such programs and activities.

Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Committee on Appropriations, the Committee on Government Reform, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Appropriations, the Committee on Governmental Affairs, and the Committee on the Judiciary of the Senate a report setting forth in detail all internal and interagency legal memoranda and advisory documents that condoned, approved, ordered, authorized, or permitted any action in violation of any obligation of the United States under the Geneva Conventions of 1949; the International Covenant on Civil and Political Rights; or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the number of hours spent on the preparation of such memoranda and documents described above.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The Committee recommends $10,650,000 for the United States Parole Commission, which is $152,000 above the current year and the same as the request.

This Commission is an independent body within the Department of Justice which makes decisions regarding requests for parole and supervision of Federal and District of Columbia Code prisoners. As a result of legislation that established sentencing guidelines, the Parole Commission is phasing down its Federal operations. However, in August 1998, the Commission assumed jurisdiction over District of Columbia felony prisoners and on August 5, 2000, the Commission assumed jurisdiction over District of Columbia Code parolees. The Committee expects the Commission to immediately submit the report required by Public Law 107–273 and the fiscal year 2004 Conference Report.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The Committee recommends a total of $639,314,000 for General Legal Activities, which is $10,310,000 above the current year and $17,821,000 below the request.

This appropriation supports the Attorney General through the establishment of litigation policy, conduct of litigation, and various other legal responsibilities. The distribution of funding provided is as follows:

GENERAL LEGAL ACTIVITIES

[In thousands of dollars]

	2005 recommendation
Solicitor General	$8,245
Tax Division	81,399
Criminal Division	141,185
Civil Division	188,754
Environment and Natural Resources	91,450
Office of Legal Counsel	5,858
Civil Rights Division	109,141
Interpol-USNCB	12,945
Office of Dispute Resolution	337
Total	639,314

Criminal Division.—The recommendation fully funds the request for the Criminal Division including the following program increases: $672,000 and 6 positions for counterterrorism investigations and prosecutions; $235,000 for terrorist financing investigations and prosecutions; $260,000 and 2 positions for investigation and prosecution of human smuggling; $236,000 and 2 positions for corporate fraud investigations and prosecutions; $2,605,000 and 25 positions to investigate and prosecute adult obscenity and child exploitation crimes.

Civil Rights Division.—The recommendation provides $109,141,000 for the Civil Rights Division, which is $299,000 above the current year and equal to the request. The recommendation fully funds the Civil Rights Division's efforts to combat human trafficking and the Committee expects the Department to continue submitting yearly updates regarding efforts to address human trafficking.

Interpol.—The recommendation provides $12,945,000 for Interpol-U.S. National Central Bureau (USNCB). The recommendation provides $1,000,000 above the request for U.S. Interpol dues exchange rate changes.

Civil Division.—The recommendation provides $188,754,000 for the Civil Division. The recommendation eliminates the bill language designation for the administration of the Radiation Exposure Compensation Trust Fund, as requested. The Committee recommends bill language carried in previous Appropriations Acts allowing the Attorney General to provide additional resources to the Civil Division, if emergent circumstances warrant, through transfers of funds from other Department of Justice sources, subject to the requirements of section 605 of this Act. The Committee expects the Justice Department to submit a reprogramming for costs associated with continuing tobacco and other litigation activities, should funding be warranted. The Committee is aware that the parties to *Irvin Rosner, et al.,* v. *United States of America* have agreed to mediation and to the selection of a mediator. Given that this case involves elderly Holocaust survivors, the Committee believes that the Department of Justice should proceed with this mediation in a compassionate and expeditious manner in order to reach a fair resolution.

The Committee recommends bill language, similar to that included in previous fiscal years, which: (1) allows up to $20,000 for expenses of collecting evidence; (2) makes up to $10,000,000 for liti-

gation support contracts available until expended; (3) makes up to $1,000 available to the INTERPOL–USNCB for reception and representation expenses; and (4) allows the Attorney General to transfer funds to address emergent circumstances in the Civil Division.

VACCINE INJURY COMPENSATION TRUST FUND

The Committee recommends $6,333,000 for the Vaccine Injury Compensation Trust Fund to cover the Department of Justice's expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986. This amount is $2,348,000 above the enacted level and the same as the request. The recommendation includes a program increase of 13 new positions and $2,305,000 to address the exponential growth in vaccine injury claims alleging injuries caused by thimerosal.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The Committee recommendation includes $135,463,000 in budget authority for the Antitrust Division for fiscal year 2005, $1,000,000 below the request and $2,552,000 above the fiscal year 2004 appropriation. This appropriation is offset by $101,000,000 in pre-merger filing fee collections, resulting in a direct appropriation of $34,463,000.

The Division acts on antitrust cases before the Supreme Court, represents the interests of the United States in cases brought under Federal antitrust laws, reviews decisions of regulatory commissions, and prepares and files amicus briefs. Appropriations for both the Division and the Federal Trade Commission are offset by Hart-Scott-Rodino Act pre-merger filing fee collections. The Committee understands that due to changes in the Hart-Scott-Rodino fee structure and a reduction in merger activity, the number of premerger filings requiring review declined by 80 percent between fiscal year 2000 and fiscal year 2003.

The recommendation includes bill language for the Division, carried in previous years, that allows fees to be credited to this account and reduces appropriated funds as fees are collected.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The recommendation provides $1,535,000,000, which is $24,807,000 above the enacted level and $12,519,000 below the request. In addition to these funds, the budget request identifies $22,035,000 of unencumbered multi-year funding. The Committee directs the Department to use these funds if necessary to fully fund the base operations of this account.

This appropriation supports the Executive Office of U.S. Attorneys and the 94 U.S. Attorney Offices, which serve as the principal litigators for the U.S. Government for criminal, civil, and debt collection matters. The recommendation includes the following increases: $39,530,000 for pay and inflationary adjustments; $5,762,000 for 66 additional positions, including 44 attorneys, for additional terrorism and criminal prosecutions; $3,029,000 for 32 additional positions, including 25 attorneys, to address gang-related crimes; and $1,405,000 and 26 additional positions for the workforce imbalance initiative. The recommendation offsets these increases with $24,919,000 of reductions associated with effi-

ciencies and program reductions as proposed in the budget request, and non-recurring program costs.

Cybercrime and Intellectual Property Enforcement.—Twenty-five percent of the software produced in the United States has been copied illegally in violation of U.S. copyright laws. The estimate of lost revenue to such industries exceeds $30 billion annually. The Committee recommendation includes $10,000,000 for the continued vigorous pursuit of Federal copyright law violations and software counterfeiting crimes. The U.S. Attorneys shall report to the Committee by April 30, 2005, on the number, type and location of copyright prosecutions undertaken in the preceding year, including those under Public Law 105–147.

Public Corruption.—The Committee continues to support efforts to combat public corruption. United States Attorneys have been at the front lines of this effort and the Committee applauds their actions, particularly the success of Operation Safe Road in the northern district of Illinois. The Committee commends the career employees and U.S. Attorneys involved in these investigations and urges them to emphasize the importance of this work within their offices.

UNITED STATES TRUSTEE SYSTEM FUND

The Committee recommendation provides a total of $172,850,000 for the U.S. Trustees for fiscal year 2005, to be entirely funded from offsetting collections. The amount recommended is $6,693,000 above the fiscal year 2004 level and $1,505,000 below the request.

The U.S. Trustee System provides administrative support to expeditiously move bankruptcy cases through the bankruptcy process and ensure accountability of private trustees appointed to administer bankruptcy estates. Public Law 99–554, the Bankruptcy Judges, U.S. Trustees, and Family Farmer Bankruptcy Act of 1986, established a U.S. Trustee System Fund in the U.S. Treasury and provided for the collection of fees into the Fund to finance program operations.

The recommendation provides additional funds for pay and inflationary adjustments. The recommendation does not include the requested information technology program increase. The Committee recommends that the Department of Justice use the Working Capital Fund to address these requirements.

The recommendation also includes bill language which: (1) allows deposits to the U.S. Trustee System Fund to be used to pay refunds due depositors; (2) allows $172,850,000 in offsetting collections to be retained and used for necessary expenses in this appropriation; and (3) reduces appropriated funds as such offsetting collections are collected.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The Committee recommends $1,220,000 for the Foreign Claims Settlement Commission, which is $27,000 above the enacted level and the same as the request.

The Commission settles claims of American citizens arising out of nationalization, expropriation, or other takings of their properties and interests by foreign governments.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The Committee recommends $752,070,000 for the United States Marshals Service (USMS) Salaries and Expenses account for fiscal year 2005. This level is $39,867,000 above the fiscal year 2004 level and $10,000,000 above the request.

The recommendation includes a separate appropriation for construction. The recommendation fully funds the inflationary adjustments requested and assumes $19,411,000 in requested base reductions.

The recommendation includes an increase of $18,897,000 for 158 new positions to address shortfalls in the protection of the judicial process. These positions are to be allocated to those districts with the highest priority needs. As the number of new judges, defendants, and proceedings increases, it is becoming more difficult to provide adequate protection to the judiciary. The Department of Justice Inspector General (IG) recently concluded a study on the ability of the Marshals Service to protect the judiciary and found many areas that deserved attention and required additional resources. For this reason, the Committee recommends an additional $10,000,000 to further protect the judiciary. Specifically, the increase is intended to support the IG's recommendations to (1) ensure that all threats to the judiciary are assessed within established timeframes; (2) update the historical threat database; (3) assign full-time representatives to all Joint Terrorism Task Forces; (4) create a centralized capability to identify, collect, analyze, and share intelligence with USMS districts, JTTF representatives, and other intelligence liaisons; (5) require that Chief Deputy Marshals and JTTF representatives have Top Secret clearances and ensure that each district has secure communication equipment; and (6) establish risk-based standards and require after-action reports for high-threat trials and protective details.

The recommendation includes $1,550,000 for preventive maintenance and repair of existing courthouse security equipment. The recommendation includes an increase of $1,922,000 and 15 positions for the witness security program. Finally, the recommendation includes an increase of $478,000 and 5 positions for information technology requirements.

The recommendation includes bill language (1) making funding available for supervisory deputy marshals for courthouse security, (2) making funding available for official reception and representation expenses, (3) extending availability of information technology funds, (4) making funding available for courthouse security equipment, and (5) designating the number of positions and full-time-equivalents provided in this Act.

CONSTRUCTION

The recommendation includes $1,371,000 for construction activities, which is $12,547,000 below the fiscal year 2004 level and the same as the request. The request funds the renovation of United States Marshals Service-controlled space in Federal courthouses and court-occupied space in other Federal buildings and leased facilities.

FEES AND EXPENSES OF WITNESSES

The recommendation provides $177,585,000 for Fees and Expenses of Witnesses, which is $21,440,000 above the enacted level and the same as the request. This appropriation, which is considered mandatory for scorekeeping purposes, provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses; mental competency examinations; and witness/informant protection. Funds are also used to pay certain legal expenses of Federal employees.

The Committee recommends bill language which allows: (1) up to $1,000,000 for the purchase and maintenance of armored vehicles for prisoner transportation; (2) up to $7,000,000 for installation, operation, and upgrade of a secure automated network and secure telecommunications equipment; (3) up to $8,000,000 for protected witness safesites.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The Committee recommends $9,833,000 for the Community Relations Service, which is $407,000 above the enacted level and the same as the request. The Community Relations Service was established by Title X of the Civil Rights Act of 1964 to provide assistance to communities in resolving disagreements arising from discriminatory practices.

The Committee recommends bill language which allows the Attorney General to provide additional resources for the Community Relations Service, if emergent circumstances exist, through the transfer of funds from other Department of Justice programs, subject to the requirements of section 605 of this Act.

ASSETS FORFEITURE FUND

The Committee recommends $21,759,000 for the Assets Forfeiture Fund, which is $229,000 above the enacted level and the same as the request.

This account provides funds for additional investigative expenses of the FBI, DEA, ATF, and USMS, such as purchase of evidence, equipping of conveyances, and investigative expenses leading to seizure. Funds for these activities are provided from receipts in the Assets Forfeiture Fund resulting from the forfeiture of assets. Expenses related to the management and disposal of assets are also provided from receipts in the Assets Forfeiture Fund by a permanent indefinite appropriation.

PAYMENT TO THE RADIATION EXPOSURE COMPENSATION TRUST FUND

The recommendation includes $72,000,000, as requested, to pay all eligible claimants through fiscal year 2005. The Radiation Exposure Compensation Act (RECA) of 1990 provides monetary compensation to individuals who suffered disease or death as a result of exposure to radiation released during atmospheric nuclear weapons testing in the 1950s and 1960s, or underground uranium mining operations from the 1940s to the 1970s. In July 2000, amendments to RECA were enacted that dramatically expanded the scope of the program. The National Defense Authorization Act for Fiscal Year 2002 created a mandatory account totaling $655,000,000 to

fund these claims and established annual funding caps through fiscal year 2011. As cited in an April 2003 report from the General Accounting Office, $655,000,000 is not sufficient to pay all eligible claimants. The Civil Division estimates that for fiscal year 2005 $72,000,000 in discretionary funding is required to supplement the fiscal year 2005 mandatory cap of $65,000,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The recommendation provides $561,033,000 for this account, which is $10,423,000 above the enacted level and $19,599,000 below the request. In addition to this amount, the budget request identifies $12,073,000 of unencumbered carryover balances.

This program was created in 1982 to ensure a coordinated, multiagency approach to attacking and dismantling high-level drug enterprises. Through its nine regional task forces, this program utilizes the combined resources and expertise of its Federal agency members, in cooperation with State and local investigators and prosecutors, to target and destroy major narcotics trafficking and money laundering organizations. Amounts provided reimburse Federal agencies for their costs to participate in these task forces.

REIMBURSEMENT BY AGENCY

[In thousands of dollars]

	POS	FTE	Amount
Law Enforcement:			
DEA	1,304	1,303	$168,213
FBI	806	800	112,445
ICE	387	383	41,908
USMS	41	27	6,431
ATF	54	54	11,228
IRS	494	487	68,918
Coast Guard			607
Drug Intelligence:			
DEA	80	65	9,661
FBI	205	194	23,414
ICE	8	4	456
Prosecution:			
U.S. Attorneys	1,022	933	108,271
Criminal Division	18	22	2,941
Tax Division	10	8	975
Administrative Office	15	15	5,565
Total	4,444	4,295	561,033

The recommendation provides the following increases: $6,113,000 for adjustments to base, $4,812,000 for 57 additional U.S. Attorney positions, including 36 attorneys, to provide additional prosecutorial resources; $4,320,000 for 14 additional U.S. Marshals Service positions to enhance fugitive apprehension capabilities; and $6,344,000 and 60 positions for the Drug Intelligence Fusion Center.

The Committee notes that the Administration chose not to comply with the direction provided in the fiscal year 2004 Conference Report that participation of the Departments of Homeland Security and Treasury should not be funded by the Department of Justice. The participation of these entities should be budgeted by the re-

spective Departments. Therefore, the recommendation does not fund the proposed program increases for the Internal Revenue Service (IRS) and reduces the current services level for both the IRS and Immigration and Customs Enforcement. Unencumbered carryover balances identified in the budget request may be utilized, through the regular reprogramming process under section 605 of this Act, to fund these costs if necessary.

FEDERAL BUREAU OF INVESTIGATION

The Committee recommends a total of $5,215,270,000 for the Federal Bureau of Investigation (FBI), which is $100,000,000 above the request and $624,522,000 above the fiscal year 2004 enacted level. The Committee notes that in fiscal year 2004 the FBI's operating level includes an additional $440,186,000 in carryover balances, mostly associated with the fiscal year 2003 War Supplemental. Taking into account these carryover balances, the Committee's recommendation provides a $184,336,000 increase in available budget authority for fiscal year 2005. The Committee recommends funding in two separate accounts, Salaries and Expenses, and Construction, rather than Salaries and Expenses, and Foreign Terrorist Tracking Task Force as proposed by the Administration.

In addition, the Title I general provisions include four provisions that incorporate H.R. 4564. These provisions provide the FBI with enhanced retention, recruitment, and retirement authorities in order to improve their ability to attract and retain necessary staff.

SALARIES AND EXPENSES

The Committee recommends $5,205,028,000 for this account, which is $686,285,000 above the amount provided for fiscal year 2004, excluding available carryover balances, and $146,107,000 above the request. The recommendation provides $56,349,000 for the Foreign Terrorist Tracking Task Force under this heading instead of in a separate account as proposed in the budget request.

FBI Transformation.—Prior to September 11th, the FBI's primary charge was solving crimes. Now, preventing crimes—especially thwarting terrorists' activities—is the top priority. The Committee stands ready to help steer the FBI on a strong course to fulfill its mission into the new century and into a changing world marked by the increased threat to our security by acts of terrorism.

Since September 11th, the Committee has supported the FBI's transformation, increasing the FBI's budget nearly 50 percent—from $3.1 billion in fiscal year 2000 to $4.6 billion in fiscal year 2004. These funding increases have allowed the FBI to increase the number of Joint Terrorism Task Forces to 84; create the Office of Intelligence; participate in the Terrorist Threat Integration Center, the Foreign Terrorist Tracking Task Force, and the Terrorist Screening Center; hire thousands of new agents, analysts and support staff; create new training programs for the agents and analysts; and upgrade information technology capabilities.

Along with increased funding, the Committee has continued vigorous oversight of the FBI's programs. In addition to the hearings the Committee holds each year on the FBI's budget request, the Committee has held three oversight hearings on the FBI's transformation since September 11th. The Committee has enlisted the

assistance of the General Accounting Office, the National Academy of Public Administration, and the Congressional Research Service to review the FBI's operations.

The Committee applauds the improvements the FBI has made to date. However, more institutionalized changes are needed for the FBI's intelligence program, a critical component of an effective terrorism prevention strategy. Toward that end, the Committee directs the FBI to create a new Directorate of Intelligence, led by the Executive Assistant Director for Intelligence. This new directorate shall have broad and clear authority over intelligence-related functions. The need for effective intelligence capabilities cuts across all FBI programs including counterterrorism, counterintelligence, criminal and cyber crime. This new directorate shall ensure that intelligence is shared across these programs, eliminate information stove-piping, and allow the FBI to quickly adapt as threats change. The new directorate will have responsibility for the operational elements including the Office of Intelligence, the FBI's Terrorist Threat Integration Center staff, the Foreign Terrorist Tracking Task Force, and the Terrorist Screening Center. It will also include programmatic elements representing analysts across the FBI and administrative components, such as training, recruitment, information technology, and security. This directorate shall also be responsible for enhancing the FBI's ability to recruit and retain the highest quality intelligence staff and improving the FBI's capability to share intelligence, not only within the Bureau and the Intelligence Community, but with State and local law enforcement. This directorate shall also ensure that intelligence related performance criteria are in place for agents and analysts, and develop a process for agents to receive a formal Intelligence Officer Certification. The FBI is directed to submit quarterly reports updating the Committee on the continued transformation.

In order to align the FBI's budget with its organizational structure, the recommendation collapses the ten budget decision units used in previous years to four decision units. There will be a decision unit for each Executive Assistant Director (EAD) with the exception of the EAD for Administration. The costs associated with program administration will be spread to the four other decision units in order to capture the full costs of each program. This new decision unit structure will not only empower the new Directorate of Intelligence, but will enhance the ability of the EADs for Counterterrorism and Counterintelligence, Criminal, and Criminal Justice Services to manage their programs by unifying their budgets. The following distribution represents the Committee's funding recommendation. The Committee reminds the FBI that changes in this distribution are subject to the reprogramming requirements in section 605 of this Act.

FBI SALARIES AND EXPENSES

[In thousands of dollars]

Decision Unit	POS	FTE	Amount
Intelligence	4,703	4,291	$795,033
Counterterrorism and Counterintelligence	10,562	10,275	1,981,798
Criminal	12,878	12,591	2,153,311
Criminal Justice Services	1,935	1,945	274,886

FBI SALARIES AND EXPENSES—Continued

[In thousands of dollars]

Decision Unit	POS	FTE	Amount
Total	30,078	29,102	5,205,028

The recommendation includes increases of $204,515,000 for adjustments to base to support the current operating level. The recommendation includes the following program increases as requested: $13,400,000 and 151 positions for the Office of Intelligence; $14,307,000 and 89 intelligence and counterterrorism positions for headquarters program support; $45,954,000 and 259 positions for counterterrorism field investigations; $12,838,000 and 86 positions for language services; $11,155,000 and 14 positions for legal attaché offices in Beirut, Lebanon; Baghdad, Iraq; Dakar, Senegal; Kuwait City, Kuwait; and Cape Town, South Africa; $9,000,000 for the chemical, biological and radiological forensic analysis counterterrorism program; $29,000,000 for the operational costs of the Terrorist Screening Center; $35,470,000 for the relocation of the Counterterrorism Division to the Hazel-Peterson Building; $63,754,000 and 294 positions for the counterintelligence program; $58,257,000 and 188 positions for cyber investigations including $3,000,000 for Innocent Images; $46,508,000 and 65 positions for information and physical security improvements; $20,000,000 for technology investments including $12,000,000 for TS/SCI LAN field installations and $8,000,000 for enterprise architecture activities; $16,000,000 and 12 positions to support the integration of IDENT/IAFIS; $1,785,000 and 10 positions to support the Criminal Division's Child Exploitation and Obscenity Section; $1,831,000 and 16 positions for the Lost Innocence National Initiative to address the problem of children forced into prostitution; $1,213,000 and 8 positions for corporate fraud cases; $1,170,000 for forensic costs associated with Indian Country and the National Backstopping Program; and $21,309,000 for renovations at the FBI Academy.

In addition, the Committee recommends the following increases above the request: $15,000,000 for counterterrorism and counterintelligence travel and case-related costs; $5,000,000 for the National Security Support Capability program; $10,000,000 for information technology initiatives including Law Enforcement Online, TS/SCI LAN field installations, enterprise architecture, and program management; $5,500,000 and 53 positions for the Indian Country Unit to investigate crimes in Indian Country including crimes related to Indian gaming; $11,335,000 and 15 positions for Legal Attaché offices in Addis Ababa, Ethiopia; Algiers, Algeria; Doha, Qatar; Tunis, Tunisia; Freetown, Sierra Leone; and Monrovia, Liberia; $10,000,000 and 78 positions to combat gang-related crime; $10,000,000 for enhanced training programs; and $30,000,000 to fund additional recruitment and retention programs.

Training.—The Committee directs the FBI to continue to expand its training opportunities and the capabilities of the College of Analytical Studies to ensure that agents and analysts are receiving the highest quality intelligence, counterterrorism and counterintelligence training available. These training programs should include:

joint training sessions with other members of the Intelligence Community; opportunities for an academic sabbatical to pursue an advanced degree; sending staff to the Department of State's Foreign Service Institute; and creation of a fellows program to exchange staff with other Federal agencies and the private sector. In addition, the Committee expects the FBI to expand both its basic intelligence analyst course and its advanced intelligence training courses offered at the College of Analytical Studies. The FBI shall also consider offering intelligence classes to other Federal law enforcement agencies, where appropriate. For example, the Committee believes it would be beneficial for corrections intelligence staff in the Federal Prison System to receive specialized training to recognize and thwart the introduction of violent ideology and extremism in Federal prisons. The recommendation provides $10,000,000 above the request to implement these enhanced training programs. In determining its future staffing needs, the FBI shall take into account the staff time associated with training and development programs.

Gangs.—The Committee is very concerned with the spread of violent gangs throughout the country. In order to address this problem, the Committee provides $1,754,000 for the establishment of a National Gang Intelligence Center that will integrate the assets of the FBI and other affected Federal agencies to serve as a "clearinghouse" and information management mechanism for gang intelligence on a national and international scope. In addition, the recommendation provides $8,246,000 for additional agents, analysts and support staff to address the most violent gangs throughout the country.

Offsets.—The recommendation adopts all the offsets included in the request except the proposed $35,000,000 in fees to State and local law enforcement for forensic services. The Committee is disappointed that the Administration is proposing to provide funding increases for Federal law enforcement by increasing the financial burden on State and local law enforcement. The Committee expects the FBI to absorb this $35,000,000 offset or use carryover balances to restore these funds.

Retention and Recruitment.—The Committee understands that the FBI is having difficulty retaining certain staff in critical senior management positions and other specialized positions. For example, since September 11th, the attrition rate for intelligence analysts has exceeded 10 percent. The Committee understands that other agencies in the Intelligence Community have more flexible pay and benefit authorities than the FBI and consequently are able to recruit talented staff from the FBI. The Committee further understands that many FBI employees living in high cost areas are experiencing financial hardships as they serve. The Committee is concerned that this financial hardship could eventually have a negative impact on FBI agent and staff performance. This is particularly troubling given that high cost areas are the most likely targets for a terrorist attack. In order to address these concerns, the Committee has included section 112 and section 114. These provisions are identical to those included in H.R. 4564.

Section 112 provides the Director with the authority, after consultation with the Office of Personnel Management (OPM), to provide retention and relocation bonuses to employees with high or

unique qualifications who, in the absence of a bonus, would likely leave the FBI. The provision also allows for retention and relocation bonuses for individuals transferred to a different geographic area with a higher cost of living. A bonus may total up to 50 percent of an employee's basic rate of pay.

Section 114 authorizes the FBI, in conjunction with the Office of Management and Budget and OPM, to pay critical intelligence positions up to an Executive Schedule I salary provided that the position is determined to be (1) a high level position in a scientific, technical, professional, or administrative field, and (2) critical to the FBI's mission.

These provisions are included to allow the FBI to begin addressing immediate personnel capabilities to thwart terrorism. These provisions are intended to be interim authorities for the FBI until comprehensive Federal law enforcement reform is enacted. These provisions will also improve the FBI's ability to compete with other Intelligence Community agencies for high quality employees. The Committee provides $30,000,000 above the request to implement these new retention and recruitment authorities.

Within the level of funding provided, the Committee also expects the FBI to expand the number of employees participating in the FBI's student loans repayment program.

Mandatory Separation.—The bill includes section 111, also part of H.R. 4564, empowering the Director to, on a case-by-case basis, delay the mandatory retirement age of 57 for FBI agents until the agent reaches 65 years of age. Currently, the Director is authorized to delay mandatory retirement until an agent reaches 60 years of age. This provision does not require agents to work past the age of 57, but gives the Director the authority to extend agents until the age of 65 in certain circumstances. This provision provides the FBI with additional discretion and flexibility to retain senior managers and employees with critical technical skills beyond age 60 where it is clear that the individual being retained can meet all requirements, including physical requirements, of the specific job being filled.

Reserve Service.—The bill includes section 113, also included in H.R. 4564, which authorizes the Director to provide for the establishment and training of a FBI Reserve Service that would facilitate streamlined, temporary re-hiring from a pre-certified cadre of retired FBI employees who possess the specialized skills required to deal with the demands of crises or other special situations. The provision will allow the FBI to quickly access experienced former employees in the event of an emergency, without adversely impacting reserve service members' retirement pay.

N–DEx.—The Committee understands that the FBI is currently developing an information sharing system called the Law Enforcement National Data Exchange (N–DEx). Once implemented, the N–DEx will deliver enhanced analysis of criminal justice data, improving law enforcement's ability to detect, investigate, link, predict, prevent, and solve crimes and report statistics. The Committee believes that N–DEx should be capable of reporting on the incidence of animal cruelty crimes. Further, the Committee directs the FBI, in coordination with the Criminal Justice Information Services Division's Advisory Policy Board (APB), to provide a report to the Committee on the advantages and disadvantages of adding

animal cruelty crimes as a crime category in the Uniform Crime Report. The report shall discuss adding animal cruelty crimes as a category only for State and local agencies that are implementing the National Incident-Based Reporting System (NIBRS) in the future. The report shall also make recommendations concerning whether animal cruelty crimes should be considered as a crime against society as opposed to a crime against property. The Committee directs this report to be submitted within 180 days of enactment of this Act.

Oil for Food.—The Committee directs the FBI to provide assistance in the United Nations investigation of the "Oil for Food" program, if requested by the recently established Independent Inquiry Committee chaired by Paul Volcker. The Committee strongly supports this investigation and encourages the FBI to make resources available, as appropriate, to ensure its successful conclusion.

OPR.—The Committee understands that the comprehensive study on the FBI's Office of Professional Responsibility (OPR), released in February 2004, concluded that the OPR has lost touch with its mission and is perceived as a source of unfairness and favoritism that adversely impacts morale within the FBI. The Committee directs the FBI to submit a report within 90 days of enactment of this Act describing the FBI's plans to implement the recommendations included in the report.

The Committee includes bill language which provides: (1) for purchase of new and replacement vehicles; (2) up to $70,000 for unforeseen emergencies; (3) not to exceed $150,000,000 to remain available until expended; (4) funding designation for counterterrorism investigations, foreign counterintelligence, and national security activities; (5) $56,349,000 for the Foreign Terrorist Tracking Task Force; (6) up to $20,000,000 to reimburse State and local police for assistance related to violent crime, terrorism and drug investigations; (7) up to $200,000 for official reception and representation expenses; and (8) a specific number of positions and workyears for the FBI.

CONSTRUCTION

The Committee recommendation includes $10,242,000 for FBI construction, which is $814,000 below the current year. The budget request proposed merging the construction account with the salaries and expenses account. The recommendation includes $1,242,000 of recurring construction needs and provides $9,000,000 for a records management center.

The Committee understands that consolidation of records and collocation of records management personnel would achieve business process efficiencies and personnel savings. It would make more space available in the FBI headquarters building, allowing the FBI to reduce leased space in the Washington D.C. metropolitan area, and would free up needed space in the field as the number of FBI staff continues to increase. The Committee understands that the FBI hired an outside consultant to study potential locations for a records management center using the following criteria: (1) at least 60 miles outside of Washington, D.C., for continuity of operations; (2) away from obvious terrorist targets; (3) within 250 miles of Washington, D.C.; (4) having access to transportation, utilities, and communications networks, and (5) availability of an edu-

cated workforce. The Committee understands the FBI chose Frederick County, VA, as the most ideal location to establish this center. The Committee further understands that the FBI intends to lease an interim facility in Frederick County while the design and construction of a permanent facility is underway. The recommendation includes $9,000,000 for the costs of a lease, equipment and relocation associated with opening an interim records management center in Frederick County in fiscal year 2005. For the purpose of creating business efficiencies, the Committee recommends that the FBI consider co-locating the backup center for the Criminal Justice Information Services in Frederick County.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The Committee recommends total budget authority of $1,815,719,000 for the Drug Enforcement Administration (DEA), of which $154,216,000 is derived from fees deposited in the Diversion Control Fund, resulting in a direct appropriation of $1,661,503,000. The recommended total budget authority is $112,681,000 above the enacted level and the same as the request.

The recommendation provides the following increases: $53,146,000 for inflationary and other costs to maintain the current operating level; $25,441,000 and 256 positions (including 100 special agents) for priority targeting; $3,000,000 for the Special Operations Division; $4,047,000 and 3 positions for investigative technology support; $1,173,000 and 9 positions for computer forensics support; $1,000,000 for aviation support; $8,530,000 and 10 positions for the Concorde project and web infrastructure; and $2,610,000 and 4 positions for the El Paso Intelligence Center.

Number of Drug Agents.—Since the September 11, 2001 attacks, the Federal Bureau of Investigation (FBI) has diverted agents from working on drug cases to working on counterterrorism and counterintelligence activities. In order to address this change in FBI priorities without negatively impacting Federal law enforcement's ability to combat drug crimes, the Committee has provided increased funding to the DEA to compensate for this change. With the additional 100 DEA agents funded in fiscal year 2005, the total combined number of DEA and FBI agents working on drug cases will exceed the pre-September 11th level by 208.

Ecstasy Interdiction.—The Committee notes the progress made by DEA and the Department of State against Club Drugs under the "Roadmap" initiative with the Belgian and Dutch governments. The Committee directs the Department of State and DEA to submit a report to the Committee no later than December 31, 2004, detailing steps to be taken in the second roadmap. The second roadmap should emphasize sufficient U.S. presence in the Netherlands, more effective work against the export of precursor chemicals, and a review of terrorist links to club drug trafficking organizations.

DEA's Role in the Intelligence Community.—The Committee is aware of the direct relationship between the funding of international terrorism and narcotics trafficking. The committee applauds the work of DEA personnel around the world and encourages them to continue sharing critical intelligence related to terrorism with other U.S. government agencies.

Offsets.—The recommendation assumes the implementation of all of the Administration's proposed offsets except the proposal to charge the District of Columbia Metropolitan Police Department fees for forensic evidence analysis services. The recommendation reduces funding for requested program increases in order to offset this proposal. The Committee is disappointed that the Administration's proposal to offset funding increases is to increase the funding burden on State and local law enforcement.

The request also proposes the transfer of the Drug and Chemical Diversion Control Unit from the Salaries and Expenses account to the Diversion Control Fee Account. The Committee supports this proposal. However, the Committee understands the change in fees required to implement this transfer are not likely to be in place in the timeframe proposed in the budget request. The Committee directs the DEA to implement the necessary fee changes as quickly as possible. If the fee changes are not implemented in time to effect this transfer as proposed, DEA shall delay the implementation of the proposed program increases until such time as the DEA can fund the Drug and Chemical Diversion Control Unit through fees.

The Committee directs the DEA to collapse its existing decision unit structure to include the following decision units: International Enforcement, Domestic Enforcement, State & Local Assistance, and Intelligence.

DEA is directed to continue to provide quarterly updates on Operation Containment activities in Afghanistan. The Committee expects the Department to ensure full interagency participation in this effort to stem the flow of illegal drugs from Afghanistan.

Diversion Control Fee Account.—The recommendation includes $154,216,000 for this account, which is $35,655,000 above the fiscal year 2004 level and the same as the request. As described above, the Committee directs DEA to implement necessary fee changes as quickly as possible. The recommendation includes a program increase of $2,935,000 for the Internet Online Investigations Project. In addition, the recommendation includes 10 additional diversion control staff.

During 2002, 6.2 million Americans abused prescription drugs. Despite the extent of this abuse, the Administration has demonstrated a lack of effort to address this problem. In March, the Administration announced that the White House's National Drug Control Strategy would focus on prescription drug safety. However, the President's budget proposes to eliminate funding for the Office of Justice Programs' Prescription Drug Monitoring Program. Moreover, the Food and Drug Administration (FDA) recently approved oxycodone to be sold generically. The Committee expects DEA to work with other entities of the Executive Branch, such as the FDA and the Office of National Drug Control Policy, to ensure a coordinated government-wide approach to address prescription drug diversion. The Committee's recommendation for the Office of Justice Programs includes $10,000,000 for the prescription drug monitoring program. The Department of Justice is directed to submit quarterly reports describing its efforts to address prescription drug diversion.

The Committee is especially concerned that there are currently multiple controlled release narcotic analgesics pending FDA approval. The Committee is concerned that these drugs, while more

powerful than OxyContin, will be approved with similar risk management and labeling plans as OxyContin. The Committee expects the DEA to work cooperatively with other Federal agencies to ensure that drugs with a high risk of abuse are marketed appropriately. With 6.2 million Americans abusing prescription drugs, the Federal government must ensure that new high-risk drugs are not made easily available to potential drug dealers and abusers.

The Committee recommends bill language which provides: (1) up to $70,000 for unforeseen emergencies; (2) for the purchase of 1,461 passenger motor vehicles; (3) up to $75,000,000 to remain available until expended; and (4) up to $100,000 for official reception and representation expenses. In addition, language is continued which specifies the number of positions and workyears provided to DEA.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The recommendation includes $870,357,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which is $43,068,000 above the enacted level and the same as the request. The recommendation does not include the proposed rescission of $1,500,000.

The Committee is concerned that the fiscal year 2005 budget request does not adequately reflect ATF's base requirements. The Committee understands that ATF has implemented a hiring freeze for fiscal year 2004 to operate within its existing staffing resources, and that the budget request underestimates ATF's fiscal year 2004 space rental requirements. However, the fiscal year 2005 budget request proposes $9,495,000 in unspecified program efficiencies. The Committee is concerned that the ATF will not be able to achieve these efficiencies. Therefore, while the Committee's recommendation fully funds the ATF's request, the Committee does not believe this level of funding will be sufficient to implement all of the requested program increases. Within the level of funding provided, the Committee expects ATF to implement the following program increases: $5,413,000 and 62 positions for explosives investigations and regulatory compliance; $5,000,000 and 24 special agents to focus on gang-related investigations; and $1,000,000 for the National Tracing Center Division. The Committee understands that the number of trace requests, particularly international trace requests, is growing dramatically.

The Committee expects ATF to use the $1,500,000 of prior year unobligated balances proposed to be rescinded to fund necessary base costs. The Committee directs the Department of Justice to submit a report, not later than 45 days after enactment of this Act, describing ATF's base funding requirements since its transition from the Department of Treasury. The Committee expects the Department of Justice to submit a reprogramming request during fiscal year 2005 to cover ATF base requirements, if necessary.

The Committee recommends bill language, included in fiscal year 2004 and in the budget request, that: (1) prohibits funding for consolidating or centralizing certain records; (2) prohibits funding to amend the definition of "Curios or relics"; (3) prohibits funding for investigating or acting upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c); (4) makes funding

available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 18 U.S.C. 925(c); (5) prohibits funding to transfer the functions, missions or activities of the ATF to other agencies or Departments; (6) prohibits funds to promulgate or implement any rule requiring a physical inventory of any business licensed under 18 U.S.C. 923; and (7) prohibits funding to be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

In the last two fiscal years the Committee has expressed serious concern that, contrary to provisions of the Gun Control Act, as amended, and Congress' intent, certain sensitive law enforcement information contained in databases maintained by the ATF have been subject to release under the Freedom of Information Act and through court action to the public, including civil litigants, firearm manufacturers and distributors, public interest groups and governmental entities, for use other than in bona fide criminal investigations and prosecutions. The Committee concern is not related to budgetary considerations. The intent has been to enforce existing Federal law limiting disclosure of this sensitive law enforcement information solely to law enforcement, and, to the extent current Federal law does not already so restrict disclosure to so provide now.

It is of great concern that releases have occurred, and if repeated, may result in wide-spread disclosure of this information to the public at large. This holds the potential of endangering law enforcement officers and witnesses, jeopardizing on-going criminal investigations and homeland security. The need to maintain these sensitive law enforcement databases on a restricted, confidential basis in accordance with the law and ATF disclosure practices in place for years derives from the sensitive and long-term nature of criminal investigations. In addition, such information, once released, might easily be disseminated through the Internet. This would endanger law enforcement and homeland security, and violate the privacy of innocent citizens and businesses.

The Committee is concerned by recent actions in Federal courts in which litigants have tried to nullify the effect of the language that was enacted to ensure the confidentiality of this information. The Committee therefore includes language to make clear that ATF shall not make these law enforcement records available to anyone other than to law enforcement agencies for a bona fide criminal investigation. The language makes clear that applicable law enforcement proceedings (such as license revocations) authorized by the Gun Control Act (chapter 44 of title 18, United States Code).

At the same time, the Committee is concerned that the previous language has been interpreted to prevent publication of a long-running series of statistical reports on products regulated by ATF. This was never the intention of the Committee, and the new language should also make clear that those reports may continue to be published in their usual form as they pose none of the concerns associated with law enforcement sensitive information.

The recommendation includes a new provision that prohibits funding to deny an application for a license under 18 U.S.C. 923 or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a li-

cense and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The Committee recommends a fiscal year 2005 appropriation of $4,567,232,000 for the salaries and expenses of the Federal Prison System, which is $139,000,000 below the request and $152,919,000 above the fiscal year 2004 level. The recommendation does not include funding for construction under this account as requested, but instead maintains a separate Buildings and Facilities account as in previous fiscal years.

The Committee believes that the total request for the Federal Prison System, predicated on large cost-saving efficiencies and prison activation delays that may not be realized, is inadequate to support requirements. The Committee is concerned about the safety and morale of the staff working in the prisons and also about the potential repercussions of such substantial cost saving measures on conditions in Federal prisons. The Committee encourages the Administration to look seriously at the needs of the Federal Prison System when it develops its budget requests. For the reasons noted above, the Committee's recommendation includes additional resources above the total amount requested for the Salaries and Expenses and Buildings and Facilities accounts.

Activation of Prisons.—The Committee's recommendation includes a total of $23,509,000 to activate the new Coleman, Florida, facility, which will include 960 new inmate beds. The recommendation provides a sufficient amount for the annualization costs associated with the activation of nine new prisons funded in the fiscal year 2004 appropriation. The Committee recommendation recognizes the critical importance of providing adequate space for the incarceration of sentenced and unsentenced Federal prisoners, and the need to activate newly constructed prison facilities.

Contract Confinement.—The recommendation also includes an increase of $9,400,000 for contracts to accommodate the increasing prison population. The Bureau of Prisons (BOP) is directed to meet bedspace needs using State, local and private prison capacity, if these facilities meet BOP's standards.

Transitional Drug Treatment Programs.—The Committee is aware that more than 50 percent of the Federal prison population is incarcerated because of illegal drug activity. The recommendation includes an increase of $3,000,000 above the request to support BOP's transitional drug treatment program. In accordance with the direction in the fiscal year 2004 conference report, the Committee expects a report on this program to be delivered as soon as possible.

Reimbursable Agreement.—The Committee understands that the Justice Department is pursuing the possibility of a reimbursable agreement with the Department of Homeland Security to reimburse BOP for the costs of criminal alien inmates incarcerated in the Federal Prison System. The Committee encourages this action, which would be consistent with reimbursements that are made by States for their inmates who are housed in BOP facilities, and may

have a salutary effect on continuing efforts to expedite the return of deported aliens to countries that have denied or unreasonably delayed such returns in the past.

The Committee recommends bill language, similar to that included in previous Appropriations Acts, which provides: (1) for the purchase of motor vehicles; (2) for the provision of technical advice to foreign governments; (3) for transfer of funds to the Health Resources and Services Administration; (4) for the Director to enter into contracts to furnish health care; (5) up to $6,000 for reception and representation expenses; (6) up to $20,000,000 for contract confinement expenses for the care and security of Cuban and Haitian entrants; and (7) for the Federal Prison System to accept donated property and services. The recommendation also includes a requested change in the number of new and replacement automobile purchases and includes language, as requested, designating an amount to remain available for two fiscal years.

BUILDINGS AND FACILITIES

The Committee recommends $189,000,000 for fiscal year 2005 for the construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners. The Committee recommends maintaining a separate account for construction activities instead of combining accounts as requested. This amount is $189,000,000 above the request and $204,515,000 below the fiscal year 2004 appropriation. The amount provided is the same as the requested amount for construction activities that was originally requested under the "Salaries and Expenses" account.

The Committee recommends bill language, similar to that included in previous Appropriations Acts, which allows: (1) for planning, acquisition of sites, and construction of facilities; (2) for acquisition, remodeling, and equipping facilities by contract or force account; (4) up to $14,000,000 to construct inmate work areas; (5) for use of prisoner labor; and (6) up to 10 percent of this appropriation to be transferred to the salaries and expenses account upon notification under section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The Committee recommends a limitation on administrative expenses of $3,429,000 for Federal Prison Industries, Incorporated (FPI), for fiscal year 2005, which is $36,000 above the amount designated for fiscal year 2004 and the same as the request. The Committee believes that those who are paying their debts to society should be provided opportunities to prepare themselves to re-enter their communities as functioning citizens. The Committee expects the Administration to continue to offer meaningful work opportunities to inmates while respecting the interests of small and medium-sized businesses. The FPI program provides Federal prison work opportunities that could not otherwise be achieved within the prevailing budget constraints.

OFFICE OF JUSTICE PROGRAMS

According to the FBI's recent Uniform Crime Report, in 2003 violent crime rates declined by 3.2 percent. However, during that

same period the murder rate increased by 1.3 percent. At the same time that the murder rate is increasing, Federal law enforcement is continuing to divert resources away from traditional crime fighting to strengthen its counterterrorism capabilities, leaving a void that only State and local law enforcement are positioned to fill. In this context, the Committee finds the Administration's budget request, which proposes a $988,565,000, or 32 percent, reduction in funding for State and local law enforcement assistance to be ill-conceived and profoundly inadequate. In order to address State and local law enforcement requirements, the Committee recommends a total of $3,011,923,000 in new budget authority for crime fighting grant programs for fiscal year 2005, which is $885,581,000 above the Administration's request. Of the amount provided, $2,948,869,000 is derived from general purpose discretionary funds and $63,054,000 is scored as mandatory spending.

Once again, the budget request proposes merging all programs administered by the Office of Justice Programs (OJP) under the Justice Assistance heading. The Committee recommendation retains the account structure used in previous fiscal years and funds State and local law enforcement programs under seven appropriation accounts.

The Committee expects the Department of Justice to coordinate its programs and grant application processes with other Federal agencies to ensure that grantees have knowledge of, and access to, the resources provided to State and local agencies throughout the Federal government. The Committee looks forward to receiving the report required by the fiscal year 2004 Conference Report on this topic. In addition, the Committee expects the spending plan regarding training for local law enforcement officials on the penalties prescribed in Federal law for trafficking in persons to be submitted as soon as possible.

Victim Notification Systems.—The Committee recognizes that automated victim notification provides victims of domestic violence and other violent crimes access to information concerning the custody status of offenders, free of charge, 24 hours a day. Victims can call a toll-free number to check on the custody status of an offender and can register by phone to be notified automatically when an offender is released or transferred, or escapes. The Crime Victims Fund provides $5,000,000 for the Executive Office of the United States Attorneys to operate a Victim Notification System for crimes being prosecuted by the Federal government. The Committee supports these notification systems and encourages States to allocate funding from their Crime Victims Fund grants or their Violence Against Women Prevention and Prosecution Programs grants to develop, implement and operate State-wide victim notification systems.

JUSTICE ASSISTANCE

The Committee recommends $217,000,000 for the Justice Assistance account, which is $28,876,000 above the enacted level. The Justice Assistance program includes assistance to States and localities in the form of research, evaluation, statistics, the white collar crime program, information sharing and missing children assistance, and also includes the management and administration of all grants provided through OJP. The budget proposed merging all

OJP programs under this heading. The recommendation provides funding under this heading only for those programs previously funded in this account. The table below compares the fiscal year 2005 recommendation to the fiscal year 2005 request for those programs recommended under this account heading.

[In thousands of dollars]

Program	FY 2004 enacted	FY 2005 request	FY 2005 recommendation
National Institute of Justice	$47,495	$63,559	$55,000
Bureau of Justice Statistics	31,787	38,717	34,000
National White Collar Crime	8,905	4,500	9,000
Regional Inf. Sharing Sys.	29,684	43,960	40,000
Management and Admin.	34,632	118,730	38,000
Missing Children Program	35,621	35,368	41,000
Total	188,124	.....	217,000

National Institute of Justice.—The Committee recommendation provides $55,000,000 for the National Institute of Justice (NIJ). In addition, NIJ will receive funding under the Edward Byrne Memorial Justice Assistance Grants program, the Edward Byrne Discretionary Grants program, the Violence Against Women Prevention and Prosecution program, and the DNA Initiative.

NIJ is the nation's primary source of research and development in the field of criminal justice. NIJ fosters innovation in law enforcement technologies and practices, investigative causes and patterns of crime, and informs the public of research and development findings. The Committee encourages NIJ to work with Federal law enforcement agencies in the development of law enforcement technologies to ensure coordination of research and development efforts.

The Committee supports the budget request to conduct research on trafficking in persons. The recommendation continues the current year level of funding for the Office of Law Enforcement Technology Commercialization, Inc. and for the Center for Rural Law Enforcement Technology and Training. The Committee recognizes and supports the important work of the Border Research Technology Center.

Bureau of Justice Statistics.—The Committee recommendation provides $34,000,000 for the Bureau of Justice Statistics (BJS), which is $2,213,000 above the current year appropriation and $4,717,000 below the request. The Bureau of Justice Statistics is responsible for the collection, analysis, and publication of statistical information on crime, criminal offenders, victims of crime, and the operations of the Nation's justice system. In addition to this funding, BJS receives funding under the Edward Byrne Memorial Justice Assistance Grants program, the Violence Against Women Prevention and Prosecution program, and the Prison Rape Prevention and Prosecution program for efforts associated with those programs.

Missing Children.—The Committee recommendation provides $41,000,000 for the Missing Children Program for fiscal year 2005, which is $5,379,000 above the enacted level and $5,632,000 above the request. This program provides funds to combat crimes against children, particularly kidnapping and sexual exploitation. The following table displays the Committee's funding recommendation:

MISSING CHILDREN PROGRAM

[In thousands of dollars]

Program	FY 2004 enacted	FY 2005 request	FY 2005 recommendation
National Center for Missing and Exploited Children	$14,842	$12,419	$17,000
Jimmy Ryce Law Enforcement Training Center	2,968	1,049	3,000
Internet Crimes Against Children Task Force	12,368	14,500	14,500
Missing and Exploited Children Office	1,484	2,400	1,500
AMBER Alert Program	3,959	5,000	5,000
Total	35,621	35,368	41,000

Regional Information Sharing System.—The Committee recommendation provides $40,000,000 for fiscal year 2005 for the Regional Information Sharing System (RISS), which is $10,316,000 above the enacted level and $3,960,000 below the request.

The RISS program maintains six regionally-based information sharing centers throughout the United States, which are connected electronically to form a nationwide network for the automated exchange of crime and terrorism information between Federal, State, and local agencies. The Committee is pleased with the Administration's efforts to integrate RISS with the Law Enforcement On-Line (LEO) program and other information sharing programs. The Committee directs the Department to ensure that other inter-state information sharing systems funded by OJP and COPS utilize existing communications infrastructure and are compatible with RISS and LEO.

White Collar Crime Center.—The Committee recommends $9,000,000 for the National White Collar Crime Center, which is $95,000 above the enacted level and $4,500,000 above the request. This program provides training, technical assistance, and investigative support to State and local law enforcement to combat white-collar and economic crimes such as fraud and identify theft.

Management and Administration.—The Committee recommendation provides $38,000,000 in direct appropriations for the management and administration of OJP programs, which is $3,368,000 above the enacted level. In addition, consistent with prior practice, reimbursable funding for management and administration costs will be made available from programs administered by OJP from the "Community Oriented Policing Services" account. Further, the Committee notes that remaining management and administration funding will be made available from the "Juvenile Justice Programs" and the "State and Local Law Enforcement Assistance" accounts, and that these funds will be transferred to and merged with the "Justice Assistance" account. The recommendation assumes a total management and administration budget of $118,730,000, which is equal to the request.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The Committee recommends a total of $1,255,037,000 for State and Local Law Enforcement Assistance programs. This amount is $1,255,037,000 above the request and $80,934,000 below the enacted level. The Committee does not adopt the Administration's proposal to consolidate this appropriation under the Justice Assistance heading.

The table below displays funding for programs recommended under this heading compared to the level of funds requested under the Justice Assistance account for the same activities.

[In thousands of dollars]

	2004 enacted	2005 request	2005 recommendation
Byrne Memorial Justice Assistance Grant	.....	$508,937	$634,000
(Boys and Girls Club)	.....	(60,000)	(80,000)
(USA Freedom Corps)	.....	.....	(5,000)
(National Institute of Justice)	.....	(19,956)	(15,000)
(Tribal Courts)	.....	(5,921)	.....
Edward Byrne Memorial State Formula Program	$494,739	.....	.....
Local Law Enforcement Block Grant	222,633	.....	.....
(Boys and Girls Club)	(79,158)	.....	.....
(USA Freedom Corps)	(2,968)	.....	.....
(National Institute of Justice)	(9,895)	.....	.....
State Criminal Alien Assistance	296,843	.....	325,000
Cooperative Agreement Program	1,979	.....	.....
Indian Assistance	14,842	4,240	15,000
(Tribal Prison Construction Program)	(1,979)	.....	(2,000)
(Indian Tribal Courts Program)	(7,916)	.....	(8,000)
(Alcohol and Substance Abuse)	(4,947)	(4,240)	(5,000)
Byrne Discretionary Grants	157,443	.....	110,000
USA Freedom Corps	.....	15,381	.....
Victims of Trafficking Grants	9,894	.....	10,000
State Prison Drug Treatment	.....	74,669	35,000
Drug Courts	38,095	67,463	50,000
Prescription Drug Monitoring	6,926	.....	10,000
Prison Rape Prevention and Prosecution	36,784	7,654	52,175
Other Crime Control Programs:			
Intell. State and Local Training	.....	10,654	10,000
Hate Crimes Training	989	1,000	1,000
Missing Alzheimer's Patients	883	.....	883
Senior Citizens vs. Marketing Scams	1,979	.....	1,979
Miscellaneous	51,942	.....	.....
Rescission	.....	(53,471)	.....
Total, State and Local Assistance	1,335,971	.....	1,255,037

Edward Byrne Memorial Justice Assistance Grants program.—The Committee recommendation includes $634,000,000 for the Edward Byrne Memorial Justice Assistance Grants program, as authorized by H.R. 3036, the Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006, as passed by the House on March 30, 2004. The recommendation is $125,063,000 above the budget request.

This program is intended to consolidate the Local Law Enforcement Block Grant program and the Byrne Formula program. Funding under this program is authorized for (a) law enforcement programs; (b) prosecution and court programs; (c) prevention and education programs; (d) corrections and community corrections programs; (e) drug treatment programs; and (f) planning, evaluation, and technology improvement programs. Funding is not available for (a) vehicles, vessels, or aircraft; (b) luxury items; (c) real estate; or (d) construction projects.

The formula used for distributing funds under this program allocates 50 percent of funding based on population, and 50 percent based on violent crime rates. The formula allocates 60 percent of funding to States and 40 percent to units of local government.

Of the amount provided, $80,000,000 is for Boys and Girls Clubs; $15,000,000 is for NIJ to assist local units of government to iden-

tify, select, develop, modernize, and purchase new technologies for use by law enforcement, including $1,000,000 for the Bureau of Justice Statistics; and $5,000,000 is for the USA Freedom Corps initiative for the expansion of Neighborhood Watch programs and the Volunteers in Policing program.

State Criminal Alien Assistance Program.—The recommendation provides $325,000,000 for the State Criminal Alien Assistance Program (SCAAP) for reimbursement to States for the costs of incarceration of criminal aliens, which was again proposed for elimination in the budget request. The recommendation provides a $28,157,000 increase above the fiscal year 2004 level.

Edward Byrne Discretionary Grant Program.—The Committee recommendation provides $110,000,000 for discretionary grants to help to improve the functioning of the criminal justice system with an emphasis on drugs, violent crime and serious offenders.

Within the amounts appropriated for discretionary grants, the Committee expects OJP to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committee on its intentions for each proposal:

- Indigenous Peoples Law & Policy Project at the University of Arizona;
- National Citizens Crime Prevention Campaign;
- Drug Abuse Resistance Education (DARE) program;
- Search Group, Inc. and the National Technical Assistance Program;
- Operation UNITE for a drug enforcement, treatment and education program;
- New Orleans, LA, Police Department for crime fighting initiatives;
- Orleans Parish, LA, District Attorney's Office for crime fighting initiatives;
- Paul and Lisa Foundation;
- Northern Virginia multi-jurisdictional anti-gang task force;
- Northwest Virginia Regional Drug Task Force;
- Mothers Against Drunk Driving including the continuation of Spanish language public service announcements;
- Gospel Rescue Ministries;
- National Institute of Justice and Bureau of Justice Statistics to conduct a study of conditions of confinement in Indian country correctional facilities and the factors that exacerbate those conditions;
- Obscenity Crimes Project to provide citizens with an online tool to report Internet obscenity crimes;
- The Women's Center in Vienna, VA;
- Pacific Institute for Research and Evaluation, International Institute for Alcohol Awareness for a training and technical assistance program for State and local law enforcement regarding liquor law enforcement;
- Virginia Community Policing Institute;
- William and Mary College's Courtroom 21 project;
- Pre-release and post-incarceration services programs for the Commonwealth of Virginia;
- Court programs in the Commonwealth of Virginia to combat drug use and drug-related crimes;

• Virginia Attorney General's Office for a Computer Crime Unit, a gang task force, and the Triad program;
• Wyandotte Focus for a program to reduce recidivism;
• The Doe Fund's Ready, Willing & Able program;
• Onsite drug testing demonstration project in the Fourth Judicial District of New York State;
• Phoenix House in Upstate New York Drug Treatment Alternative for offenders;
• Excelsior College for law enforcement training programs;
• Capital Region Cybercrime Partnership in NY;
• Pat Thomas Law Enforcement Academy Training Program;
• Tarrant County, TX, District Attorney for a gang database program;
• Iowa State University for specialized criminal justice research;
• Center for Court Innovation;
• Frank Bland Regional Training Center;
• Protecting Children Against Sex Offenders in Fairfax County, VA;
• Washington Metropolitan Area Drug Enforcement Task Force (MATF);
• Wichita, KS, for a school resource officer program;
• National Training and Information Center (NTIC);
• Chattanooga, TN, Drug Court program;
• Law Enforcement Innovation Center;
• Rape, Abuse and Incest National Network's sexual abuse hotline;
• National Clearinghouse for Science, Technology, and the Law at Stetson University College of Law;
• National Forensics Science Technology Center in Largo, FL;
• Pinellas County, FL, for a jail diversion program for the mentally ill;
• Pinellas County, FL, Sexual Predator Unit;
• Kristen's Act;
• Phoenix House in Dallas, TX, for at-risk youth programs;
• Southern Methodist University's Family Research Center to conduct research on domestic violence;
• University of Houston to work with the National Institute of Justice to test new law enforcement technologies;
• Ascension Parish Law Enforcement Training Center;
• National Institute of Justice's Cyber Science Laboratory in Rome, NY;
• National Association of Town Watch's National Night Out crime prevention program;
• Athens-Clarke County, GA, for law enforcement initiatives;
• Effingham County, GA, for law enforcement initiatives;
• Augusta-Richmond County, GA, for law enforcement initiatives;
• National Institute on State Policy on Trafficking of Women and Girls;
• Rural Law Enforcement Information Technology Center at Tarleton State University;

• University of Notre Dame in collaboration with State University of New York (SUNY) Stony Brook for law enforcement technologies research;
• Cook County, IL, Cold Case Homicide Unit;
• Enough is Enough;
• Stargazer Foundation;
• Fredericksburg, VA, Regional Drug and Gang Task Force;
• Union County, NJ, Police Department in partnership with Union County College for law enforcement training programs;
• School resource officer training program in Palm Beach County, FL;
• State of Missouri, to enhance its Amber Alert program;
• Beyond Missing;
• St. Clairsville, OH, for courtroom equipment;
• San Joaquin Valley Rural Crime Prevention Program;
• Regional Counter-Drug Training Academy for law enforcement training;
• City of Lancaster, PA, for a community policing initiative;
• Chattahoochee Valley Community College for a law enforcement training program;
• The Northwest Fund—Crime Reduction initiative;
• Walker-Whitman law enforcement programs;
• University of Toledo Center for Parents criminal justice program;
• Westchester County, NY, Special Operations Task Force;
• Arlington County, VA, for a gang suppression program;
• On-Site Academy's Law Enforcement Counseling Program;
• Safer Foundation ex-offender program;
• Vera Institute of Justice;
• Fairleigh Dickinson University CyberCrime program;
• It Happened to Alexa Foundation;
• Computer Crimes Initiative—Suffolk County, NY;
• Latino Action Center drug and crime prevention;
• New York City's Community Crime Stopper Program;
• Opening Word, Wyandanch, NY;
• Project COPE NY Police Foundation;
• STRIVE Ex-Offender Program;
• The Fortune Society's Community Reentry Program;
• Bexar County, TX, Jail Diversion Program;
• Newport, RI, Police Department law enforcement initiative;
• National Corrections and Law Enforcement Training and Technology Center;
• Law Enforcement Information Technology and Analysis Program in West Virginia;
• Minneapolis, MN, Police Department law enforcement initiative;
• Minnesota CrimNet program;
• Wisconsin Coalition Against Domestic Violence;
• Wayne County, MI, Jail Diversion and Assistance Initiative;
• Police Command Center Relocation—Cleveland, OH;
• GA Community Renovation Project;
• CA Front Line Law Enforcement;
• MN Fond du Lac Law Enforcement Program;

- Law Enforcement Equipment upgrades for Sault St. Marie Tribe;
- International Center for Ending Violence;
- San Francisco Ex-Offender Reentry Services;
- Urban Justice Center;
- West Shore Regional Law Enforcement;
- Multi-Jurisdictional Criminal Justice Data Integration Project;
- Maine Rural Substance Abuse Project;
- Native Americans into Law;
- Project Peacemaker;
- Whittier, CA school resource officer program;
- Women Advancing the Valley through Education, Economics, and Empowerment Program;
- Providence, RI, Police Department training programs;
- Catholic University Anti-Domestic Violence Program in Puerto Rico; and
- Allegheny County, PA, Violence Prevention Initiative.

Harold Rogers Prescription Drug Monitoring Program.—The recommendation includes $10,000,000 for the Harold Rogers Prescription Drug Monitoring Program to assist States in building or enhancing prescription drug monitoring systems, facilitating the exchange of information among States, and providing technical assistance and training on establishing and operating effective prescription drug monitoring programs. This amount is $3,074,000 above the enacted level and $10,000,000 above the request.

During 2002, 6.2 million Americans abused prescription drugs. However, the Committee remains disappointed in the Administration's lack of effort to address this problem. In March, the Administration announced that the White House's National Drug Control Strategy would focus on prescription drug safety. However, the President's budget proposes to eliminate funding for this program, and the Food and Drug Administration recently approved oxycodone to be sold generically. As discussed under the Drug Enforcement Administration (DEA) heading, the Committee expects DEA to work with other entities of the Executive Branch, such as FDA and the Office of National Drug Control Policy, to ensure a coordinated government-wide approach to address prescription drug diversion. The Department of Justice is directed to submit quarterly reports describing its efforts to address prescription drug diversion.

Prison Rape Prevention and Prosecution.—The Committee's recommendation provides $52,175,000 to implement the Prison Rape Elimination Act of 2003 (Public Law 108–79). This amount is $15,391,000 above the enacted level and $44,521,000 above the request. The Committee finds the Administration's request for this program to be woefully insufficient to ensure the successful implementation of the Prison Rape Elimination Act.

The recommendation provides $15,000,000 for the collection of statistics, data and research as authorized by section 4 of the Act; $5,000,000 for the National Institute of Corrections for a national clearinghouse, training and education as authorized by section 5 of the Act; $30,000,000 for grants to States to protect inmates and safeguard communities as authorized by section 6 of the Act; and

$2,175,000 to be transferred to the National Prison Rape Reduction Commission.

The Committee understands that experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison and that many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been, or will be, the victims of prison rape. The total number of inmates who have been sexually assaulted in the past twenty years likely exceeds 1,000,000. The Committee understands that prison rape contributes to the spread of sexually-transmitted diseases, such as HIV and AIDS. The Committee also recognizes that inmates with mental illness and juvenile inmates are particularly vulnerable to sexual victimization. The Committee further understands that most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults and that prison rape often goes unreported.

Victims of Trafficking.—The recommendation includes $10,000,000 for victims services programs to provide assistance to victims of trafficking, as authorized by the Victims of Trafficking and Violence Protection Act of 2000. This amount is $106,000 above the enacted level and $10,000,000 above the request. Once again the Committee is disappointed that the Administration continues to propose the elimination of this program. According the Central Intelligence Agency, between 18,000 and 20,000 people are trafficked into the United States annually. The Committee believes the Administration must continue to work to address these crimes and must provide sufficient resources to address the needs of the victims of this horrific crime.

Improving State and Local Law Enforcement Intelligence Capabilities.—The recommendation includes $10,000,000 for the implementation of the National Criminal Intelligence Sharing Plan and the efforts of the Global Justice Information Sharing Initiative. The Committee directs that this funding be used to support training for State and local law enforcement on the intelligence process including planning, collection, analysis, dissemination and reevaluation. This program should continue to provide support for training in the use of intelligence as a tool in identifying pre-incident indicators. It should also include training to ensure that law enforcement officials are protecting individuals' privacy, civil rights, civil liberties, and constitutional rights within the intelligence process. The Committee also expects these funds to be available to promote the use of information technology standards among law enforcement to ensure that that data can be exchanged across disparate information systems.

WEED AND SEED PROGRAM FUND

The recommendation provides $51,169,000 for the Weed and Seed program, which is the same as the request and $6,757,000 below the fiscal year 2004 level. The budget proposed merging the Weed and Seed program under the Justice Assistance account. The Committee looks forward to the submission of the report required by the fiscal year 2004 Conference Report regarding the coordination of the Weed and Seed program with other Federal programs. Unlike prior years, the management and administration costs of

the program are funded within the Justice Assistance appropriation.

COMMUNITY ORIENTED POLICING SERVICES

The Committee recommendation includes $686,702,000 for the Community Oriented Policing Services (COPS) program for fiscal year 2005. The table below displays funding for programs recommended under this heading compared to the level of funds requested for the same activities under this heading and under the Justice Assistance account.

[In thousands of dollars]

Program	FY 2004 enacted	FY 2005 request	FY 2005 recommendation
Enhancement Grants	.....	.....	$113,000
Hiring	$118,737	.....	.....
Training and Technical Assistance	(5,000)	$17,625	.....
Tribal Law Enforcement	24,737	20,000	.....
Meth Hot Spots	53,482	20,000	60,000
COPS Technologies	156,740	.....	130,000
Interoperable Communications	84,106	1,550	.....
Safe Schools Program	4,552	.....	.....
Police Integrity Grants	9,894	10,000	.....
Management and Administration	29,684	27,914	27,914
Prior Year Balances (Rescission)	.....	(53,471)	.....
Sub-Total, COPS	481,932	43,618	330,914
Other Programs Not Requested Under COPS			
Bullet-Proof Vests	24,737	24,950	25,000
Police Corps	14,842	27,579	20,000
Criminal Records Upgrade	29,684	56,186	50,000
DNA Initiative	98,948	175,788	175,788
Paul Coverdell Forensic Science	9,894	.....	.....
Crime Identification Technology Act	23,971	.....	.....
(Safe Schools Technologies)	(4,948)	.....	.....
SW Border Prosecutor Program	29,684	47,431	40,000
Project Safe Neighborhoods	29,684	45,080	30,000
Offender Re-Entry	4,948	15,000	15,000
Total	748,324	.....	686,702

COPS Enhancement Grants.—The Committee recommendation includes $113,000,000 for COPS enhancement grants, as authorized by H.R. 3036, the Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006, as passed by the House on March 30, 2004. The Administration's budget did not include any funding for this program, but the budget request includes $17,625,000 for a training and technical assistance program, $20,000,000 for a tribal law enforcement program, $1,550,000 for interoperable communications, and $10,000,000 for a police integrity training program. Funding for all of these activities is available under the new COPS enhancement grants program.

The COPS enhancement grants program is designed to create a flexible discretionary program that is available for hiring, training, including police integrity training, equipment, overtime, school security, information technology, and forensic technology. The Committee recognizes that in order to address the needs of law enforcement in a comprehensive manner the stove-piped programs currently administered by the COPS Program Office must be made more flexible. For example, the current COPS hiring program pro-

vides local communities with $75,000 per officer exclusively for the hiring of additional officers and there are other programs available for training and interoperable communications technologies. Under this new program, in one application, a police or sheriff's department can apply for funding for multiple activities to address their most pressing law enforcement needs in a comprehensive manner.

The Committee expects Indian tribes and regional community policing institutes to be eligible to apply for funding under this program.

Methamphetamine Enforcement and Clean-Up.—The Committee recommends $60,000,000 to combat methamphetamine production and distribution, to target drug "hot spots," and to remove and dispose of hazardous materials at clandestine methamphetamine labs. This amount is $6,518,000 above the enacted level and $40,000,000 above the request. The Committee is aware that the production, trafficking, and abuse of methamphetamine, an extremely destructive and addictive synthetic drug, continues to be a serious national problem.

Within the amount provided, the Committee has included $20,000,000 to be reimbursed to the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs.

Within the amount provided, COPS shall continue to provide a training and technical assistance program to help communities to identify and shut down meth labs, arrest and prosecute meth distributors, safely eliminate environmental hazards, and deal with other related issues that communities and families impacted by meth abuse must address. Funding is also available to be awarded on a competitive basis to those State and local communities with the largest meth problems and with effective strategies to reduce meth production and abuse. The Committee expects this program to be coordinated with the Department of Health and Human Services Prevention of Meth and Inhalant Abuse program, the Environmental Protection Agency, and other appropriate Federal agencies.

The Committee expects the COPS Program Office, in consultation with DEA, to examine each of the following proposals, to provide grants if warranted, and to submit a report to the Committee on its intentions for each proposal:

- Virginia State Police, the Northwest Virginia Regional Drug Task Force, and the Harrisonburg Drug Task Force to assist their efforts in combating methamphetamine;
- Partnership for a Drug Free America to provide technical assistance to State and local law enforcement to address meth;
- Winston and Fayette Counties, AL, for a meth initiative;
- California Department of Justice, Bureau of Narcotics Enforcement, for the California Methamphetamine Strategy (CALMS);
- Washington State law enforcement methamphetamine initiative;
- Mineral Area Drug Task Force;
- South Central Missouri Drug Task Force;
- Southeast Missouri Drug Task Force;
- Methamphetamine Task Force in East Tennessee, to fight the spread of meth labs in this region;

- Bradford County, PA, Sheriff's Department for a meth initiative;
- Commerce City, CO, Police Department for meth initiatives;
- Franklin County, MO, Sheriff's Department for Operation CHEM;
- Iowa Office of Drug Control Policy for meth initiatives;
- Daviess County, KY, Sheriff's Department to combat production and distribution of methamphetamine;
- Oklahoma Bureau of Narcotics and Dangerous Drug Control Clandestine Laboratory Enforcement Program;
- Nebraska State Patrol to combat the production and distribution of methamphetamine;
- Indiana State Police meth enforcement team;
- Oregon Partnership meth prevention program;
- Pennyrile Narcotics Task Force in KY;
- Iowa Methamphetamine Clandestine Lab Task Force project;
- Lincoln County, OR, Methamphetamine Intervention and Enforcement;
- Marion County, OR, Methamphetamine Forensic Lab Enhancement;
- Rural Methamphetamine Education Demonstration Project—Minot State University, ND;
- Arkansas Methamphetamine Drug Hot Spots Program;
- St. Matthews, SC, Police Department Methamphetamine Initiatives;
- Merced County, CA, "Meth is Death" Project;
- Lauderdale County, AL, Sheriff's Office Meth Initiative;
- Colbert County, AL, Sheriff's Office Meth Initiative;
- Clackamas County, OR, Methamphetamine Initiative;
- Guam Methamphetamine Initiative;
- Miami Tribe's Meth Hot Spots program;
- Resist Ice Period/Meth Initiative in Hawaii;
- Pulaski County, IL, Sheriff Department Meth Initiative;
- Fresno County, CA, District Attorney Methamphetamine Initiative;
- TN 13th Judicial District/Surrounding Counties Methamphetamine Task Force;
- Jackson County, MS, Meth "Hot Spots" program;
- Woodland, CA, Methamphetamine Enforcement; and
- Upper Midwest program to reduce the manufacture, transportation and use of methamphetamines.

Law Enforcement Technology Program.—The Committee recommendation provides $130,000,000 for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crimes, and gathering and analyzing information. In particular, the Committee recognizes the importance of sharing information among State and local law enforcement agencies in preventing crimes and in identifying and apprehending criminals.

This funding is provided to address the specific crime fighting needs of law enforcement. Funding to address the communications and interoperability needs of first responders including fire,

hazmat, emergency medical services, and law enforcement is not provided under this Act.

In examining all grant applications under this program, the COPS Program Office is directed to ensure that proposals meet equipment standards adopted by the National Institute of Justice and the Bureau of Justice Assistance within the Office of Justice Programs, and the Office of Law Enforcement Standards within the National Institute of Standards and Technology.

Within the amount provided, the Committee expects the COPS office to examine each of the following proposals, to provide grants if warranted, if each application complies with the direction provided above, and to submit a report to the Committee on its intentions for each proposal.

- New Orleans Metropolitan Crime Commission;
- Integrated Criminal Justice Information System for the State of Virginia;
- Simulated Prison Environment Crisis Aversion Tools for programs in Alabama, North Carolina, and Pennsylvania;
- Law enforcement technology enhancements for the Middle Rio Grande Border Region of Texas;
- Florida Department of Corrections for a system to electronically monitor criminal probationers and link their location to crime events;
- I–SAFE America;
- Southside Virginia law enforcement agencies for law enforcement technologies;
- Center for Criminal Justice Technology;
- University of Iowa for a cyber crime program;
- East Valley Community Justice Center;
- Washington Association of Sheriffs and Police Chiefs for law enforcement technologies;
- Continued participation of Idaho in the Criminal Information Sharing Alliance;
- Law enforcement intelligence technologies for the Genesee/Finger Lakes region;
- Arkansas State Police for law enforcement technologies;
- Delaware Courts Organized to Serve program;
- University of Central Florida and the Florida Law Enforcement Consortium to enhance information sharing among law enforcement in Florida;
- Illinois State Police;
- Technology enhancements for law enforcement agencies in Northern Illinois;
- National Sheriffs' Association Pegasus program;
- New Mexico State Police for mobile data terminals;
- Louisiana Crime Fighting Technology Enhancements;
- Maine Bureau of Warden Service;
- Worcester Polytechnic Institute, MA;
- Violent Crime Scene Response Unit in Arizona;
- Technology to Combat Crime and Terrorism in Phoenix;
- WV High Technology Consortium Foundation;
- Wayne State University for law enforcement techology initiatives;
- NEMESIS—Sharable Law Enforcement CAD and OMS/JMS;

- Missouri Criminal Justice Integration Project;
- Grants for technology improvements to police and sheriffs' departments in communities that are in need of modernizing their equipment to improve their crime prevention and investigative capabilities and for which alternative sources of funding are not available, including: City of Tucson, AZ; Pima County, AZ; Cochise County, AZ; City of Asheville, NC; Leesburg, VA; Guin, AL; Southside, AL; Boaz, AL; Morgan County, AL; Houston, TX; San Diego County, CA; City of Roseville, CA; Placer County, CA; Morris County, NJ; Sussex County, NJ; Somerset County, NJ; West Essex County, NJ; City of Moultrie, GA; Oakland County, MI; Morgan County, IL; City of Beardstown, IL; City of Peoria, IL; San Bernardino, CA; Redlands, CA; Louisville, KY; West Buechel, KY; Lynnview, KY; Sedgwick County, KS; Onondaga County, NY; Syracuse, NY; Lee County, MS; City of Largo, FL; Pinellas County, FL; City of La Verne, CA; Los Angeles County, CA; Mecklenburg County, NC; Dallas, TX; Jasper County, MO; Greater Harris County, TX; Batavia, IL; Kendall County, IL; Village of East Dundee, IL; DuPage County, IL; Tuscaloosa County, AL; Shelby County, AL; Aurora, CO; City of Clearwater, FL; City of Mobile, AL; Riverside County, CA; Pasco County, FL; Alexander County, NC; City of Corona, CA; Prince William County, VA; Fairfax County, VA; Fairfax City, VA; Blount County, TN; Chesterfield, VA; Dinwiddie County, VA; Isle of Wight County, VA; Southampton County, VA; City of Chesapeake, VA; City of Suffolk, VA; City of Lynchburg, VA; City of Harrisonburg and Rockingham County, VA; Amherst County, VA; Sarasota, FL; Manatee County, FL; Bristol Township, PA; Anson County, NC; Ashtabula City, OH; Putnam County, FL; Macomb County, MI; Shelby Township, MI; City of Lubbock, TX; Sacramento, CA; City of Muncie, IN; County of Contra Costa, CA; York City, PA; Las Vegas, NV; Navajo Nation, AZ; City of Bayamon, PR; City of Guaynabo, PR; City of Warren, AR; Virginia Beach, VA; Hampton, VA; Accomack, VA; Northampton, VA; City of Stamford, CT; Manchester Township, NJ; Kern County, CA; Kalamazoo County, MI; Bernalillo County, NM; City of San Francisco, CA; Madison County, KY; Franklin County, KY; Waco, TX; City of Canby, OR; Baytown, TX; Snohomish County, WA; Salt Lake City, UT; Sandy City, UT; Fargo, ND; Bismarck, ND; City of Abilene, TX; Kitsap County, WA; City of Philadelphia, PA; Prince Georges County, MD; Lucas County, OH; Westchester and Rockland Counties, NY; City of White Plains, NY; Alexandria, VA; State of PA; North Worcester County, MA; Porter, IN; Portage, IN; Jasper County, IN; Gary, IN; State of Arkansas; Baker County, GA; City of Shellman, GA; Bamberg County, SC; City of Manning, SC; State of Connecticut; City of Salinas, CA; City of Poughkeepsie, NY; Ulster County, NY; Tompkins County, NY; City of Durham, NC; Orange County, NC; Wake County, NC; Morrisville, NC; Niagara, NY; Rochester, NY; Brookhaven, NY; Suffolk County, NY; City of Colton, CA; City of Fontana, CA; Hudson County, NJ; City of Pomona, CA; City of Montebello, CA; El Paso, TX; Lakewood, CA; Garden Grove, CA; Santa Ana, CA; Fullerton, CA; City of West Covina, CA; Morgan County, AL;

Madison County, AL; City of Huntsville, AL; Providence, RI; City of Central Falls, RI; Town of Tiverton, RI; Hennepin County, MN; Indianapolis, IN; State of Michigan; Detroit, MI; Jamesburg, NJ; City of Atlanta, GA; San Mateo County, CA; Oakland, CA; Homestead, FL; Solano County, CA; Newark, NJ; Florence, SC; Inglewood, CA; Santa Monica, CA; Clatsop County, OR; North Hempstead, NY; Jersey City, NJ; Woodburn, OR; Alger County, MI; City of Covina, CA; Seekonk, MA; City of Rosemead, CA; City of Chicago, IL; City of New York, NY; Modesto, CA; County of Middlesex, MA; and County of Minnehaha.

Bulletproof Vests.—The Committee recommendation includes $25,000,000 for continuation of the Bulletproof Vest program to assist State and local law enforcement in purchasing bullet and stab resistant vests. This level is $50,000 above the request and $263,000 above the current year. The recommendation includes bill language making two percent of the funding available for testing and research related to bulletproof vests.

Police Corps.—The Committee recommends $20,000,000 for the Police Corps program. This is an increase of $5,158,000 above the enacted level and is $7,579,000 below the request. The Committee directs OJP to continue to develop innovative ways to make this program more affordable. The Committee expects that the Police Corps training curriculum will incorporate all relevant training portions of the National Criminal Intelligence Sharing Plan.

Criminal History Record Upgrades.—The Committee recommendation includes $50,000,000 for the Criminal Records Upgrade program. This is an increase of $20,316,000 above the fiscal year 2004 level and is $6,186,000 below the request. The goal of this program is to ensure that accurate records are available for use in law enforcement, including sex offender registry requirements, and to permit States to identify ineligible firearm purchasers, persons ineligible to hold positions involving children, the elderly, or the disabled, and persons subject to protective orders or wanted, arrested, or convicted of stalking and/or domestic violence. This program helps States build their infrastructure to connect to national record check systems, both to supply information and to conduct the requisite checks.

DNA Initiative.—The Committee recommendation is $175,788,000 for the Administration's DNA Initiative, $76,840,000 above the current year level and the same as the request.

The recommendation fully funds the second year of the Administration's initiative to eliminate the DNA backlog in five years. The Committee recognizes that DNA technology will allow law enforcement to identify certain criminals quickly and accurately, solve additional crimes, especially violent crimes such as murder and rape, and identify persons mistakenly accused or convicted of crimes. According to a report submitted to Congress by the Attorney General on April 6, 2004, the total number of crime cases with possible biological evidence either still in the possession of local law enforcement or backlogged at forensic laboratories is over 542,700, which includes 221,000 with possible evidence in rape and homicide cases. The report also found that a significant proportion of law enforcement agencies continue to misunderstand the potential benefits of DNA testing. The Committee directs the Department to provide an

annual report to the Committee on the achievements of the DNA Initiative in addressing the backlog and solving crimes.

Southwest Border Prosecutions.—The Committee recommends $40,000,000 to provide assistance to State and local law enforcement agencies (including prosecutors, probation officers, courts, and detention facilities) along the southwest border with the handling and processing of drug and alien cases referred from Federal arrests. The Committee is disappointed that the Department of Justice has yet to submit the study required by the fiscal year 2004 conference report concerning the Northern Border.

Project Safe Neighborhoods.—The Committee recommends $30,000,000 for Project Safe Neighborhoods. This program provides grants to address gun violence, and gang- and drug-related crime, by working in partnership with communities and law enforcement agencies. In addition, $10,650,000 is provided for Project Sentry under the Juvenile Justice heading for a companion program to combat youth gun violence, and gang- and drug-related crimes. The Committee expects these programs to be closely coordinated with the Weed and Seed program, the Offices of the United States Attorneys, and the Bureau of Alcohol, Tobacco, Firearms and Explosives Youth Crime Gun Interdiction Initiative.

Offender Reentry.—The Committee recommends $15,000,000 for the law enforcement costs related to establishing offender reentry programs, which is $10,052,000 above the enacted level and the same as the request. Offender reentry programs establish partnerships among institutional corrections, community corrections, social services programs, community policing, and community leaders to prepare for the successful return of inmates to their home neighborhoods. The amount recommended is provided to fund law enforcement participation and coordination of offender reentry programs. The Committee is pleased that OJP is working in collaboration with the Departments of Labor, Health and Human Services, Housing and Urban Development, and Education in the execution of this program.

Management and Administration.—The Committee recommends $27,914,000 for management and administration. This level is same as the request.

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

The Committee recommends $383,551,0000 to support grants under the Violence Against Women Act, which is the same level as fiscal year 2004 and $21,074,000 above the request. The request includes funding for Violence Against Women Prevention and Prosecution Programs under the Justice Assistance heading. The recommendation continues to include all Violence Against Women Prevention and Prosecution Programs under this heading. The table below displays funding for programs recommended under this heading compared to the level of funds requested for the same activities under this heading and under the Justice Assistance account.

[In thousands of dollars]

	FY 2004 enacted	FY 2005 request	FY 2005 recommendation
STOP Grants	$166,564	$176,747	$176,747
(National Institute of Justice—R&D)	(5,145)	(5,200)	(5,200)
(Safe Start Program)	(9,895)	(10,000)	(10,000)
(Transitional Housing Assistance)	.....	(15,000)	(15,000)
Grants to Encourage Arrest Policies	63,824	62,479	62,479
Rural Domestic Violence Assistance Grants	39,267	38,274	38,274
Violence on College Campuses	9,830	9,175	9,175
Civil Legal Assistance	39,322	39,871	39,322
Elder Abuse Grant Program	4,916	4,458	4,458
Safe Haven Project	14,746	14,078	14,078
Educ. & Training for Disabled Female Victims	7,373	6,922	6,922
Transitional Housing	14,842	.....	.....
Management and Administration	.....	10,473	10,339
Subtotal	360,683	362,477	361,794
Other Violence Against Women Act Programs:			
CASA (Special Advocates)	11,772	11,484	11,484
Training for Judicial Personnel	2,257	1,925	1,925
Grants for Televised Testimony	983	986	983
Training Programs	4,905	4,415	4,415
Stalking Database	2,950	2,962	2,950
Total	383,551	.....	383,551

Funding included under this heading will continue to provide resources to expand units of law enforcement officers and prosecutors specifically targeted at crimes against women, to develop and implement effective arrest and prosecution policies to prevent, identify and respond to violent crimes against women, and to provide much-needed victim services, including specialized domestic violence court advocates to obtain protection orders.

JUVENILE JUSTICE PROGRAMS

The Committee recommendation provides a total of $349,000,000 for Juvenile Justice Programs for fiscal year 2005. The budget request proposes to fund juvenile justice programs under the Justice Assistance heading. The Committee recommendation is $11,000 above the fiscal year 2004 level and $104,533,000 above the request for similar juvenile justice programs.

The table below displays the Committee's recommendation compared to the levels requested under the Justice Assistance heading for the same programs.

[In thousands of dollars]

Program	FY 2004 enacted	FY 2005 request	FY 2005 recommendation
Part A—Management and Administration	$3,562	$350	$350
Part B—State Formula	83,116	89,961	84,000
Part C—Block Grants	.....	39,074	.....
Part D—Research and Development	2,474	7,035	.....
Part E—Demonstration Projects	78,762	6,600	70,000
Title V—Incentive Grants	79,158	37,335	80,000
Tribal Youth	(9,895)	(12,500)	(10,000)
Gang Prevention	(19,769)	.....	(20,000)
Underage Drinking Prevention	(24,737)	.....	(25,000)
Project Sentry	14,842	19,131	10,650
Secure Our Schools Act	9,895	.....	20,000
Victims of Child Abuse Programs	12,865	11,231	14,000
Juvenile Accountability Block Grant	59,368	.....	60,000

[In thousands of dollars]

Program	FY 2004 enacted	FY 2005 request	FY 2005 recommendation
Project Childsafe	4,947	33,750	10,000
Total	348,989	.....	349,000

The recommendation funds the juvenile delinquency prevention and accountability programs in accordance with Public Law 107–273, which reauthorizes the Juvenile Justice and Delinquency Prevention Act and the Juvenile Accountability Block Grant programs.

Within the overall amounts recommended under Part E, OJP is directed to review the following proposals, provide grants if warranted, and submit a report to the Committee on its intentions regarding:

- Continuation of the Office of Juvenile Justice and Delinquency Prevention's Protecting Our Children: Working Together to End Child Prostitution program;
- Law-related education;
- Girls and Boys Town, U.S.A.;
- Northwestern University's Juvenile Project;
- Parents Anonymous;
- Stark County Court, Juvenile Pre-Trial Services Office to assist with the implementation of early intervention strategies for targeted youth in Stark County, OH;
- Juvenile delinquency prevention programs in Massillon, OH;
- National Council of Juvenile and Family Court Judges;
- Teens, Crime and Community;
- A Child is Missing, Inc. in OH;
- Family, Career, and Community Leaders of America "Stop the Violence" program;
- Buckhorn Lake Children's Center for programs to serve at-risk youth;
- Prevent Child Abuse America for the programs of the National Family Support Roundtable;
- ACA—NY for an anti-drinking program for children ages 11 and above;
- Eisenhower Foundation for the Youth Safe Haven program;
- Hamilton Fish National Institute on School and Community Violence;
- Learning for Life;
- Virginia Attorney General's Office for Class Action and other educational programs in Virginia schools;
- Center for Successful Parenting;
- Association of Christian Community Computer Centers;
- Farmington Children's Home for delinquency prevention programs;
- Operation Blue Ridge Thunder;
- Tarrant County Youth Collaboration for a child abuse prevention program;
- Residential Care Consortium for delinquency prevention programs;

• IMPACT/Night Light Program in San Bernardino County, CA, to team police officers with probation officers to reduce juvenile crime;
• Child Endangerment Response Coalition in Spokane, WA;
• Drug Free America Foundation for an anti-drug program for youth, parents, and teachers;
• Eckerd Youth Alternatives to divert at-risk and troubled youth from the criminal justice system through residential and community-based programs;
• Pinellas County, FL, Police Athletic League;
• Florida Gulf Coast University Interagency Family Assessment Team program for at-risk youth;
• Marcus Institute in Atlanta, GA, for a juvenile crime and delinquency study;
• ARISE Foundation;
• Miami-Dade Juvenile Assessment Center;
• University of South Alabama for youth violence prevention research;
• Darkness to Light;
• City of South Bend, IN, youth gang violence prevention initiative;
• CHKD Child Abuse Program;
• Ohel Children's Home & Family Services for a child abuse prevention program;
• Juvenile delinquency prevention programs in Van Wert, OH;
• Laurinburg, NC, for a juvenile delinquency program;
• DuPage County, IL, Youth Mentoring Program;
• University of Connecticut for a juvenile delinquency prevention program;
• Teen Challenge program for at-risk youth in IL;
• Covenant House New Jersey's Right of Passage program;
• Wayne County, MI, for a juvenile mentoring program;
• Lea County, NM, for a juvenile corrections education program;
• Generation Next Youth Empowerment Program in Dumas, AR, to prevent juvenile delinquency;
• A Child Is Missing, Inc, FL;
• World Vision for at-risk youth programs;
• Greater Trenton, NJ, for an at-risk youth program;
• A Child Is Missing, Inc, OK;
• LaSalle, IL, Child Advocacy Center;
• Juvenile Court of the Philadelphia Court of Common Pleas;
• California Safe from the Start;
• Bay Area Youth Violence Prevention Network;
• San Francisco, CA, "Safe Streets Project";
• City Parks Foundation programs for at-risk youth—Bronx, NY;
• Lehman College, NY, for an at-risk youth program;
• Woodycrest, Bronx, NY, for at-risk youth programs;
• Fordham Youth Ministry for programs to prevent teen delinquency;
• Sistas and Brothas alternatives to gangs and drugs;
• Youth Ministries for Peace and Justice;

• Mary Mitchell Family and Youth Center programs for families and teens;
• Boys and Girls Home and Family Services;
• Messiah College, PA, programs for at-risk teens;
• Marion County, OR, Children of Incarcerated Parents Initiative;
• Marion County, OR, Co-occurring Disorders Pilot Project for at-risk youth;
• Clackamas County, OR, Juvenile Community Assessment Center;
• Granite, UT, Rock Solid Project for at-risk youth;
• Spurwink Institute program for at-risk youth;
• Dakota Boys Ranch Mentoring Program for teens;
• Washington State School Security program;
• Philadelphia's College Opportunity Resources for Education initiative (C.O.R.E) for at-risk youth;
• At-Risk Youth Entrepreneurship Program at New Covenant Campus, PA;
• City of Toledo, OH, Police Athletic League Youth Center for at-risk youth;
• Opportunities, Alternatives, and Resources for youth;
• Substance Abuse Prevention for Youth;
• Liberty's Promise programs for youth;
• "No Workshops, No Jumpshots" program for at-risk youth in Indiana;
• Thomas Area Teen Center for youth in Georgia;
• City of Dawson, GA, Youth Advocacy program;
• Muscogee County, GA, National Model Teenage Parenting Center;
• Mitchell County, GA, Youth Advocacy and Outreach Program;
• Youth Crime Watch America;
• Jump Start Tallahassee, FL, for at-risk youth;
• Juvenile Justice Education Program Model Study for teens;
• Florence Crittendon—programs for at-risk teens;
• Richland County, SC, ScoutReach gang prevention program;
• TechMission Youth Program for at-risk kids, MA;
• Operation Quality Time—programs for at-risk youth, AZ;
• April Michelle West Foundation's Winners by Choice program for at-risk teens;
• Camp Police Athletic League of NJ;
• Soundview Community in Action—outreach for teens, NY;
• Project Parkchester Youth Zone;
• Hope and Help for All Foundation At-Risk Juvenile Mentoring Program;
• Community Outreach Center Drug Prevention Program, NY;
• Bronx, NY, Cluster of Settlement Houses At-Risk Youth Mentoring Program;
• Anti-Gang Initiative for Urban League of Long Island, NY;
• City Parks Foundation programs for at-risk youth—Queens, NY;
• The ABT programs for at-risk youth;

- The Fortune Society programs for at-risk youth—NY;
- Nassau County, NY, Youth Board programs;
- Nassau County, NY, Police Department anti-gang initiative;
- Grace Multi-Community Development Corporation, Uniondale, NY;
- Roy Wilkins Park Family Center, Project Re-Connect;
- The GRADS Foundation, Inc. programs for at-risk youth;
- BAM programs to prevent juvenile delinquency;
- New York Acorn programs to prevent teen delinquency;
- Community Service Society/Enterprise Corps programs for at-risk youth, NY;
- Harlem, NY, RBI programs for at-risk youth;
- NYC College of Technology for at-risk youth education;
- Downtown Learning Center—expansion of programs for at-risk youth, NY;
- City Parks Foundation programs for at-risk teens—East NY;
- Project Intercept—a program to prevent at-risk youth from turning to drugs, NY;
- Brooklyn Arts Council's Arts in Education Program for at-risk youth;
- City of Colton, CA, Police Activities League Program for youth;
- Gilbert-Lindsay Center for Youth;
- Junior Aztec Fire Fuels Crew programs for at-risk kids—Cypress Park, CA;
- Northeast Trees—at-risk youth program;
- The Eagle Rock Center "Will Power to Youth" programs, CA;
- Texas A&M University in Corpus Christi, at-risk youth programs;
- Hispanic National Juvenile Delinquency Prevention Program—Self-Reliance Foundation;
- City of Norwalk, CA—Teen Alliance Program;
- Before- and After-School Delinquency Prevention Program, TX;
- Gang Alternative Program in Southeast Los Angeles County, CA;
- Texas A&M Center for at-risk youth;
- Educational Center for at-risk youth, NY;
- Boricua College Project Success for at-risk youth, NY;
- NYC YD programs for at-risk teens, NY;
- Loisaida Youth Leadership Academy for at-risk kids, NY;
- La Esperanza Home for Boys, TX;
- CA Police Activities League Center;
- Los Angeles County, CA, Friends of Child Advocates;
- The Teen Shelter, AL, programs for at-risk teens;
- Northwest Alabama Children's Advocacy Center;
- Morgan County, AL, Child Advocacy Center;
- Gateway Healthcare in Pawtucket, RI, programs for at-risk youth;
- Rhode Island Family Court programs for youth and families;
- Folwell Neighborhood Association, MN, programs for kids;

- Collaborative Drug Intervention Committees—NJ;
- Lena Park Development Corporation—services for at-risk youth, MA;
- Comin' Up programs for at-risk youth, TX;
- Wayne County, MI, Juvenile Mentoring Program;
- Stillman College Juvenile Justice Delinquency Prevention Program, AL;
- Amer-I-Can program for youth, IL;
- Old King's Orchard Community Center Teen Reach Program, IL;
- Juvenile Justice Center at Suffolk University Law School, MA;
- Vermont Coalition of Teen Centers;
- Los Angeles, CA, Community Law Enforcement and Recovery;
- Jovenes program for at-risk youth;
- NYC Arts for at-risk youth;
- Medgar Evers at-risk youth program;
- "No Workshops, No Jumpshots" in Virginia;
- Metropolitan Family Services for at-risk youth;
- Mayor's Time disadvantaged and at-risk youth program;
- Wayne County, MI, teen mentoring and crime prevention program;
- Salinas Gang Violence program for at-risk youth;
- California Youth Development and Crime Prevention Initiative;
- Washington County, OR—Juvenile Justice Prevention Program; and
- Overtown Youth Center program for at-risk youth.

Gang Prevention.—The recommendation includes $20,000,000, within Title V grants, for OJP to administer a gang resistance and education program. These funds shall be available to develop comprehensive community strategies to address gangs, including anti-gang education programs and coordination with Federal, State and local law enforcement. This program shall be administered by the Bureau of Justice Assistance with assistance from the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Office of Juvenile Justice and Delinquency Prevention.

Secure Our Schools Act.—The recommendation includes $20,000,000 for expenses authorized by the Secure Our Schools Act (Public Law 106–386), such as metal detectors, locks, lighting and other deterrent measures; security assessments; security training of personnel and students; and coordination with local law enforcement. This amount is $20,000,000 above the request and $10,105,000 above the current level.

Juvenile Accountability Block Grants.—The recommendation provides $60,000,000 for the Juvenile Accountability Block Grants program, which is $632,000 above the enacted level and $60,000,000 above the request. The funds provided in the this program are available for the following purposes:

(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

(2) building, expanding, renovating, or operating temporary or permanent juvenile corrections, detention, or community corrections facilities;

(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

(9) establishing and maintaining a system of juvenile records designed to promote public safety;

(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

(13) establishing and maintaining accountability-based programs that are designed to enhance school safety;

(14) establishing and maintaining restorative justice programs;

(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; or

(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.

Enforcing Underage Drinking Laws.—In order to address the problem of alcohol abuse by minors and the accessibility of alcohol to minors, the Committee recommends $25,000,000 to assist States to develop comprehensive and coordinated initiatives to enforce State laws that prohibit the sale or consumption of alcoholic bev-

erages to minors. This amount is $263,000 above the enacted level and $25,000,000 above the request.

Victims of Child Abuse Act.—The Committee recommends a total of $14,000,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA). The recommendation provides the following:

- $2,750,000 for Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;
- $8,750,000 for local Children's Advocacy Centers, as authorized by section 214 of VOCA;
- $50,000 for the National Children's Advocacy Center in Huntsville, AL, to implement a training program;
- $850,000 for the National Children's Alliance for technical assistance and training, as authorized by section 214a of VOCA; and
- $1,600,000 for the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The Committee recommendation provides a total of $69,464,000 for the Public Safety Officers Benefits program, the amount requested for these programs. The budget proposed to consolidate these programs under the Justice Assistance heading. The recommendation includes $63,054,000, which is the Congressional Budget Office's estimate for death benefits to eligible survivors of Federal, State, and local public safety officers whose death was the direct and proximate result of traumatic injury sustained in the line of duty. This program is considered mandatory for scorekeeping purposes.

The recommendation also includes $2,795,000 for the Public Safety Officers Educational Assistance Program and $3,615,000 for disability benefits for fiscal year 2005.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The Committee has included the following general provisions for the Department of Justice in this bill:

Section 101 provides language that makes up to $60,000 of the funds appropriated to the Department of Justice available to the Attorney General for reception and representation expenses.

Section 102 provides language, included in previous Appropriations Acts, which prohibits the use of funds to perform abortions in the Federal Prison System.

Section 103 provides language, included in previous Appropriations Acts, which prohibits use of the funds in this bill to require any person to perform, or facilitate the performance of, an abortion.

Section 104 provides language, included in previous Appropriations Acts, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility.

Section 105 provides that the authorities contained in the 21st Century Department of Justice Appropriations Authorization Act

shall remain in effect until the effective date of a subsequent Department of Justice Appropriations Authorization Act.

Section 106 provides language similar to language included in previous Appropriations Acts, which allows the Department of Justice, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between any appropriation, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 107 provides language to continue section 114 of Public Law 107–77 during fiscal year 2005.

Section 108 provides for the extension of the Personnel Management Demonstration Project for certain positions of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Section 109 prohibits the Drug Enforcement Administration from establishing procurement quotas in certain circumstances.

Section 110 provides for the establishment of procurement quotas for certain drugs following the approval of a new drug application.

Section 111, identical to section 1 of H.R. 4564, empowers the Director of the FBI to, on a case-by-case basis, delay the mandatory retirement age of 57 for FBI agents until the agent reaches 65 years of age. Currently, the Director is authorized to delay mandatory retirement until the agent reaches 60 years of age. This provision does not require agents to work past the age of 57, but gives the Director the authority to extend agents until the age of 65 in certain circumstances.

Section 112, identical to section 2 of H.R. 4564, provides the Director of the FBI with the authority, after consultation with the Office of Personnel Management (OPM), to provide retention and relocation bonuses to employees with high or unique qualifications who in the absence of bonuses would likely leave the FBI. The provision also allows for retention and relocation bonuses for individuals transferred to a different geographic area with a higher cost of living. A bonus may total up to 50 percent of an employee's basic rate of pay.

Section 113, identical to section 3 of H.R. 4564, authorizes the Director of the FBI to provide for the establishment and training of an FBI Reserve Service that would facilitate streamlined, temporary re-hiring from a pre-certified cadre of retired FBI employees who possess the specialized skills required to deal with the demands of a crisis or other special situation. The provision will allow the FBI to quickly access experienced employees in the event of an emergency, without adversely impacting reserve service members' retirement pay.

Section 114, identical to section section 4 of H.R. 4564, authorizes the FBI, in conjunction with the Office of Management and Budget and the Office of Personnel Management, to pay critical intelligence positions up to an Executive Schedule I salary provided that the position is determined to be (1) a high level position in a scientific, technical, professional, or administrative field, and (2) critical to the FBI's mission.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

The Committee recommendation includes a total of $5,759,925,000 in general purpose discretionary funds for the pro-

grams of the United States Trade Representative, the International Trade Commission and the Department of Commerce for fiscal year 2005, $185,854,000 below the current year level, and $301,064,000 below the request.

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The Committee recommends $41,552,000 for the Office of the United States Trade Representative (USTR) for fiscal year 2005, which is the same as the current year and $2,000,000 above the request.

The Committee remains concerned that the United States trade deficit with other nations continues to rise. In 2003, the United States imported $124 billion more in goods and services from the People's Republic of China (PRC) than the PRC imported in goods and services from the United States, an increase of twenty percent from 2002.

The Committee continues its direction to USTR to make use of all available mechanisms, including the safeguards delineated under the Trade Act of 1974, including Sections 301 and 421, to address the disruptions resulting from unbalanced trade with the PRC.

Reporting Requirements.—The Committee directs the USTR to provide a report to the Committee detailing spending plans for all funding provided under this heading. This report should display personnel costs, travel expenses and overhead costs for the Washington, D.C., facility, overhead costs associated with USTR presence in Geneva, Switzerland, and the costs associated with ensuring greater transparency of the process including the timely publication of reports and trade agreements. Further, this report should identify costs associated with each programmatic office as outlined in the 2004 organizational chart. This report and spending plan should be provided to the Committee no later than 90 days after the enactment of this Act. Further, the Committee expects this plan to be updated to reflect the obligation of funds on a monthly basis, beginning with the second quarter of fiscal year 2005. The Committee reminds the USTR of the requirements set forth under section 605 of this Act.

International Standards.—The Committee directs the USTR to ensure that U.S. business interests are represented in international standards negotiations. The Committee directs the USTR to collaborate with the National Institute of Standards and Technology (NIST) and the State Department to reduce trade barriers to U.S. exports. The Committee continues its direction to the Department to ensure U.S. standards are adopted in international negotiations.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The Committee recommends $61,700,000 for the International Trade Commission (ITC) for fiscal year 2005, which is $4,018,000 above the amount provided in the current year and the same as the request.

The Committee directs the Commission to provide a spending plan for all funding provided under this heading. Further, the Committee expects this plan to be updated to reflect the obligation of funds on a monthly basis, beginning with the second quarter of fiscal year 2005. The Committee reminds the Commission of the requirements set forth under section 605 of this Act.

The International Trade Commission is an independent, quasi-judicial agency responsible for conducting trade-related investigations; providing the Congress and the President with independent, expert technical advice to assist in the development and implementation of U.S. international trade policy; responding to the Congress and the President on various matters affecting international trade; maintaining the Harmonized Commodity Description and Coding System of internationally accepted product nomenclature; providing technical assistance to eligible small businesses seeking remedies and benefits under the trade laws; and performing other specific statutory responsibilities ranging from research and analysis to quasi-judicial functions on trade-related matters.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The Committee recommendation includes $401,513,000 in total resources for the programs of the International Trade Administration (ITA) for fiscal year 2005, which is $15,411,000 above the current year level and the same as the request. Of the amounts provided, $8,000,000 is to be derived from fee collections.

The mission of the ITA is to create economic opportunity for U.S. workers and firms by promoting international trade, opening foreign markets, ensuring compliance with trade laws and agreements, and supporting U.S. commercial interests at home and abroad.

The Committee understands the difficulties of attempting to balance both the positive and the negative effects of a free trade agenda. The Committee is steadfast in its support of America's trade policy to create growth and raise living standards around the globe, and in return to increase the benefits to U.S. workers, farmers, consumers, and businesses. Yet, the U.S. Government must uphold its responsibility to enforce trade laws, particularly with China. If trading partners do not abide by the rules that are set in the global trading system, then U.S. firms are not competing on a level playing field.

The United States government has an obligation to ensure that American companies are not forced to compete with foreign companies that are engaged in unfair trading practices.

Reports.—The Committee notes some progress by the Department of Commerce, in consultation with the U.S.-China Economic and Security Review Commission, on the Committee's direction in the Statement of Managers accompanying the 2004 Appropriations Act to research and report back to the Committee. The Committee understands that a number of the required reports are in final clearance.

American Trading Centers.—Manufacturing and service industries need assistance to export their goods and services to China. The Committee continues to believe that additional resources are required to aggressively promote U.S. exports in China and enforce the commitments made as part of the China's WTO accession agreement. The Committee, after consultation with industry and the ITA, has determined that a rapid increase in export promotion to China is necessary. The creation of American Trading Centers in major Chinese commercial centers is one way to improve export promotion. These centers will enable U.S. exporters to receive assistance while in the country and provide for on-the-ground expertise, including market research capabilities. Within the funding level provided, the Committee expects that no less than six positions in China will support the American Trading Centers initiative. The Committee expects these positions to be filled by personnel with market access compliance experience, as well as export promotion experience. The Committee directs the ITA to submit a plan to establish export centers in China, consistent with the interagency review process, by no later than 90 days after the enactment of this Act.

Import Administration.—The Committee recommendation includes $58,044,000 for the Import Administration unit. Since 1997, the Committee has increased funding for the Import Administration (IA) by more than 70 percent to enforce anti-dumping (AD) and countervailing (CV) duty laws. Yet, the number of AD/CV investigations conducted by the Import Administration has decreased significantly. For example, in 2001 the IA conducted 95 AD/CV investigations, and in 2002 it conducted 22 investigations. Of the investigations conducted in 2001, a total of 30 investigations, or 32 percent of the total investigations conducted in 2001, were related to steel imports. In 2003, ITA conducted a total of 20 investigations. The Committee is aware that through the second quarter of 2004, ITA has conducted a total of 75 investigations.

The Committee remains concerned about the conduct of proceedings involving foreign companies located in non-market economies. Special attention must be given to ensure the selection of appropriate surrogate producers, including the calculation of selling, general, and administrative expenses. For example, the costs of water and electricity should be consistent across all proceedings involving the same surrogate country.

Office of China Compliance.—The Committee acknowledges the efforts of the ITA to create an Office of China Compliance to specifically focus on issues affecting small- and medium-sized businesses. The recommendation includes language designating funding for this purpose. The Committee understands the ITA has determined that this office should encompass all nations designated as non-market economies. The Committee anticipates that China will remain the focus of the vast majority of the resources and at-

tention of the Office. This Office was created to specialize in AD cases involving China, with special attention on small- and medium-sized domestic businesses. The Office should consist of experienced investigators, accountants, trade analysts, and technical experts to aggressively investigate AD cases.

The Committee directs the Department to report to the Committee, no later than September 15, 2004, the number of new investigations or administrative reviews of existing dumping orders resulting in a finding of zero dumping margin, by importer.

Policy and Negotiations.—The Committee continues its direction to the IA to analyze market trends in order to anticipate unfair trade practices and consult with foreign governments to pre-empt the requirement for an unfair trade case, whenever practicable. The Committee understands that to date the IA has yet to perform such a trend analysis. Further, the Committee continues its direction to the ITA to self-initiate investigations, and report back to the Committee no later than September 15, 2004, on the number and descriptions of cases the Department has self-initiated.

The Committee expects the Department to track all inquiries the Department has received from small and medium-sized businesses seeking assistance with enforcement of the AD laws against imports, including imports from China and India, and the resulting actions by the Department on such inquiries. The Committee expects the Department to begin tracking the information no later than 30 days after enactment of this Act.

The Committee directs the Department to conduct a study on the amount of imports of polyester fibers to determine whether or not the levels have changed in the past few years, and whether or not nations including Korea are selling material in the United States at lower levels than the costs of production. The Committee expects the Department to report back to the Committee no later than 60 days after enactment of this Act.

The Committee expects the Department to take all necessary actions, including cooperation with other Federal and State agencies to control the importation of the snakehead fish, *Channa micropeltes,* in the United States.

Market Access and Compliance.—The Committee recommendation includes $39,087,000 for this purpose. The Committee lauds the efforts of the ITA to establish an office of enforcement within the Market Access and Compliance unit, to be staffed with attorneys, paralegals, and experienced investigators to aggressively enforce trade agreements, as directed in the Statement of Managers accompanying the conference report on the fiscal year 2004 Appropriations Act.

The Committee recommendation includes 4 new positions and $200,000 for the establishment of a dispute settlement mechanism or Secretariat in each country, as required by the Free Trade Agreements with Singapore and Chile. The Committee directs the Department to consult with the Office of the United States Trade Representative regarding these new requirements. Further, the Committee directs the ITA to provide a detailed report to the Committee on the right-sizing methodology followed to determine the appropriate size and location of the Bureau's overseas presence.

Executive Direction/Administration.—The Committee recommendation includes $26,009,000 for the administrative and policy functions of ITA.

Human Rights Training.—The advancement of human rights and the development of economies are not mutually exclusive goals. The Committee applauds efforts made by the ITA to promote human rights, including expanding the human rights training program launched in fiscal year 2003. The Committee appreciates the efforts of the ITA to train commercial officers posted in Egypt, Israel, Saudi Arabia, Kenya, Kuwait, Morocco, India, and the United Arab Emirates. Further, the Committee understands that geographic regional training was provided for commercial officers serving in the Western Hemisphere and East Asia Pacific offices, and that training sessions were held in Vietnam and Malaysia. The Committee continues funding of $500,000 to ensure that, when counseling U.S. businesses on market conditions within a particular country, employees must include information on human rights in addition to information on rule of law issues and corporate responsibility. Further, the Committee continues to direct ITA to provide to the Committee quarterly reports on the progress of the human rights training program.

In addition, language is included in the bill designating the amounts available for each unit within ITA. In addition, ITA is directed to submit to the Committee, not later than 60 days after the enactment of this Act, a spending plan for all ITA units that incorporates any carryover balances from prior fiscal years.

United States and Foreign Commercial Service (US&FCS).—The Committee recommendation includes $230,864,000 for the United States and Foreign Commercial Service. Bill language is included designating funding for an advocacy center, a trade information center, and a business center. The Committee continues its direction to the United States and Foreign Commercial Service to be aggressive in its efforts to expand the number and value of U.S. exports.

Trade Missions.—The Committee directs that all trade missions involving Department of Commerce agencies must be initiated, coordinated and administered through the ITA.

The Committee directs the ITA to continue its efforts regarding El Salvador, the Caribbean Basin and the Global Diversity initiative, and the rural export program, as in fiscal year 2004.

Foreign Currency Valuation.—The Committee directed the Secretary of Commerce, in the Statement of Managers accompanying the conference report on the 2004 Appropriations Act, to report to the Committee on Appropriations on the trade and U.S. employment impact of the currency valuation of our trading partners including China, Japan, Vietnam, South Korea, Taiwan, the Ukraine, and Indonesia. The Committee understands that the Office of Manufacturing and Services has developed the methodology, collected the necessary data, and identified the macroeconomic model to be employed in the required analysis. The next phase will require estimates of (1) elasticities for imports from and exports to the identified markets and substitution between imports from different markets, (2) the effects of exchange rate changes on U.S. trade with those markets, and (3) the impact of those effects on the U.S. economy as a whole. The Committee expects the analysis to be com-

pleted in the near future, and a final report provided to the Committee on Appropriations, no later than September 30, 2004.

International Standards.—The Committee commends the Department on efforts to ensure that U.S. business interests are represented in international standards negotiations. The Committee continues its direction to ITA to collaborate with NIST, the USTR, and the State Department to reduce trade barriers to U.S. business exports. The Committee continues its direction to the Department to ensure U.S. standards are adopted in international negotiations.

Travel Expenditures.—The Committee directs the Department to increase the number of investigative teams traveling to China and India, the sources of most trade complaints, to verify documentation of information provided by foreign companies. The recommendation provides sufficient resources for this purpose and expects the Department to submit quarterly reports to the Committee on Appropriations regarding the ITA's travel expenditures, including separate breakouts on travel to China and India.

Trade Statistics.—The Committee directs the Office of Trade and Economic Analysis (OTEA), to capture, analyze, and disseminate data on U.S. trade through user-friendly interfaces and new technologies. The improvement of OTEA's ability in the areas of data development, data warehousing and data collection to support analyzing data from a geographic perspective is important to economic forecasting for certain regions of our nation.

The Committee directs the Secretary of Commerce to report on whether jobs in food manufacturing (including confectionery), cane refining and related industries have been lost as a result of the movement of manufacturing facilities offshore due, in material part, to the differential between U.S. and world sugar prices, and if applicable, the report shall include an estimate of the number of jobs lost. The estimate is to be for the most recent five-year period for which data are available.

Capital Cost Sharing Program.—Within the amounts provided, the Committee recommendation includes $4,459,000, the full amount requested, for payments to the State Department for capital security costs associated with new worldwide embassy construction.

The recommendation includes restoration of funding, not included in the budget request, for two textile-related grant programs and an international competitiveness program.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

The Committee recommendation includes a total operating level of $68,393,000 for the operations and administration of the Bureau of Industry and Security (BIS), which includes $61,265,000 for operations and administration and $7,128,000 for Chemical Weapons Convention enforcement. The recommendation is $907,000 above the current year level and $8,123,000 below the request. Within the total amount available, the recommendation includes the following:

Export Administration.—$33,380,000 is for export administration activities, which is $1,521,000 below the request and $654,000 above the current operating level. The recommendation continues funding for additional export licensing personnel provided in fiscal

year 2004, and $7,128,000 is provided for Chemical Weapons Convention-related inspections. The recommendation does not include a new office of evaluation as proposed.

Export Enforcement.—$30,052,000 is for export enforcement activities, the same as the current year and $6,123,000 below the request level. The Committee supports BIS's export control efforts overseas to conduct end-use checks. The Committee recommendation does not include requested increases for 10 full-time equivalents for license condition enforcement and 17 full-time equivalents for additional enforcement support.

The Committee directs the BIS to provide a detailed report to the Committee detailing the location and responsibilities of each overseas attache. Additionally, the report should detail the right-sizing methodology followed to determine the appropriate size and location of the Bureau's overseas presence.

Management and Policy Coordination.—$4,961,000 is for Management and Policy Coordination, the same as the request and $835,000 above the current operating level. The recommendation continues fiscal year 2004 funding for the information technology initiative.

In addition, the Committee reminds BIS of the requirements of section 605 of this Act.

ECONOMIC DEVELOPMENT ADMINISTRATION

The recommendation includes $320,327,000 for the programs and administrative expenses of the Economic Development Administration (EDA) for fiscal year 2005, as described below. The recommendation is $5,000,000 above the current year and the same as the request.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

A total of $289,762,000 is included for fiscal year 2005 for Economic Development Assistance Programs. The Committee continues the traditional programs of the EDA to provide needed assistance to communities struggling with long-term economic dislocation, as well as sudden and severe economic dislocation. Of the amounts provided, $200,827,000 is for Public Works and Economic Development, $43,000,000 is for Economic Adjustment Assistance, $24,500,000 is for planning, $8,435,000 is for technical assistance, including university centers, $12,500,000 is for trade adjustment assistance, and $500,000 is for research.

The Committee expects EDA to continue to assist communities impacted by economic dislocations related to coal and timber industry downturns due to environmental concerns at no less than the fiscal year 2004 level.

The Committee directs EDA to provide assistance to an applicant for planning under this account only if the applicant agrees to make available to the public on request their audited statements, annual budgets, and minutes of meetings and agrees to provide the public reasonable notice of, and an opportunity to attend, their meetings. The Committee further directs EDA to provide assistance to an applicant for planning under this account only after the applicant files appropriate Federal financial disclosure statements.

The Committee continues to direct EDA to ensure that funds provided under this account are targeted to the most severely distressed areas, which, absent the assistance provided by the EDA, would have little or no access to resources for infrastructure development and capacity building. This puts the program on firm ground to carry out its purpose to provide the "seed capital" to distressed areas to allow local communities to increase their ability to create new economic opportunities and jobs in accordance with local priorities.

SALARIES AND EXPENSES

The Committee recommendation includes $30,565,000 for the salaries and expenses of the EDA. The Committee continues to direct the EDA to aggressively pursue all opportunities for reimbursement, deobligations and use of non-appropriated resources, including the care and protection of collateral accounts, to maximize the operating level.

The Committee continues to direct that no funding be provided for a special headquarters reserve fund.

In addition, the Committee reminds EDA of the requirements under section 605 of this Act regarding reorganization proposals.

The recommendation retains language in the bill to provide the authority to use this appropriation to monitor projects approved under Title I of the Public Works Employment Act of 1976, Title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The Committee recommendation includes $28,899,000 for the Minority Business Development Agency (MBDA) for fiscal year 2005. The recommendation is $343,000 above fiscal year 2004 and $5,562,000 below the request. The Committee recommendation assumes that the Entrepreneurial Technology Apprenticeship Program, now called Emerging Minority Business Leaders, will continue to be supported at the fiscal year 2004 level. Funding for a proposed new survey is not included.

ECONOMIC AND INFORMATION INFRASTRUCTURE

The Committee recommendation includes under this section the Department of Commerce agencies responsible for the nation's basic economic and technical information infrastructure, as well as the administrative functions to oversee the development of telecommunications policy.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The Committee recommendation includes $78,211,000, which is $4,000,000 above the current year and $10,189,000 below the request, for the economic and statistical analysis programs of the Department of Commerce, including the Bureau of Economic Analysis (BEA), for fiscal year 2005. The Committee has provided pro-

grammatic increases over the past four years to ensure that policy makers have access to more accurate and timely economic data. The Committee notes that the BEA has continued to receive a rating of "effective" in the Program Assessment Rating Tool (PART) as part of the President's Fiscal Year 2005 budget.

Off-shoring.—Claims have been made that the transfer of American jobs off-shore, also known as off-shoring, is contributing to high levels of unemployment among electrical, electronics and computer engineers in the United States and could have important ramifications for the United States' ability to create high-wage, high-technology jobs in the future. Unfortunately, policy-makers are currently unable to assess either the short-term or the long-term effects of off-shoring because of the lack of reliable data. As a result, many of the questions that Congress and the American people have on off-shoring are not now answerable. Some observers argue that the impact of off-shoring on high-tech labor markets has been overstated, while others argue that there is a crisis. Unfortunately, there is no objective way to evaluate either claim without better, more reliable information.

The Committee understands that the Department's Technology Administration and the Bureau of Economic Analysis are conducting an examination of existing data on the effects of off-shoring on our economy and workforce. The Committee believes these ongoing efforts must be supplemented and significantly augmented with a more comprehensive study that will help provide the basis to answer the many important policy questions related to off-shoring. Due to the size and complexity of the data collection effort and the very real limits on the ability of government agencies to conduct surveys and collect new data, it is unlikely that any single organization or group of individuals would be able to plan and implement the proposed study. Language is included directing the ESA to provide a grant to the National Academy of Public Administration to conduct a more comprehensive study of the effects of off-shoring on the U.S. workforce and economy. Subcontracts should be awarded as necessary. Information and opinion should also be collected from stakeholders in business, education, and government, as well as professional associations and employee organizations.

The Economic and Statistics Administration (ESA) is responsible for the collection, tabulation and publication of a wide variety of economic, demographic and social statistics and provides support to the Secretary of Commerce and other Government officials in interpreting the state of the economy and in developing economic policy.

BUREAU OF THE CENSUS

The Committee recommendation includes a total operating level of $773,881,000 for the Bureau of the Census, which is $54,715,000 below the request and $149,656,000 above the amount provided in fiscal year 2004.

SALARIES AND EXPENSES

The Committee recommendation includes $202,765,000 for the salaries and expenses of the Bureau of the Census for fiscal year 2005, which includes $138,236,000 for current economic statistics, $60,795,000 for current demographic statistics, and $3,734,000 for

survey development and data services. The Committee directs the Bureau to continue to streamline and prioritize programs to ensure the highest priority core activities are supported. The Committee expects the Bureau to be fully reimbursed for any non-core survey conducted for any other Federal agency or private organization.

The Committee notes that the current demographic statistics program received a moderately effective rating in the President's Fiscal Year 2005 budget.

The Committee continues its direction regarding the production of monthly Export-Import and Trade Balance statistics on a North American Industry Classification System basis, and the Advanced Technology Trade Imports, Exports, and Net Balance By Country in the Bureau's monthly reports. The Committee understands that this information will not be seasonally adjusted.

The Bureau is directed to produce a one-time annual report for 2004 domestic sock production.

In addition, the Committee expects that key reports on manufacturing, general economic and foreign trade statistics will be maintained and issued on a timely basis.

The recommendation provides for the current statistical programs of the Bureau of the Census, which includes measurement of the Nation's economy and the demographic characteristics of the population. These programs are intended to provide a broad base of economic, demographic, and social information used for decision-making by governments, private organizations, and individuals.

PERIODIC CENSUSES AND PROGRAMS

The Committee recommendation includes a total of $571,116,000 for all periodic censuses and related programs in fiscal year 2005, which is $139,652,000 above the fiscal year 2004 level and $37,055,000 below the request.

Re-engineered Design Process for the 2010 Short-Form Census Program.—Of the amounts provided, the recommendation includes $173,806,000 for the short-form only Census in 2010, which is $9,228,000 below the request and $66,718,000 above the current year. The Committee supports the Bureau's efforts to establish an early design and planning process to allow sufficient time to test the major elements of a simplified, streamlined short-form census. This new approach should allow the Census Bureau to fulfill important constitutional and legal mandates more accurately. Further, this new process should reduce the costs of repeating the same process conducted in the 2000 census by nearly $2 billion. The recommendation includes the following:

[In thousands of dollars]

Decennial Census 2010:	
Program Development and Management	$6,604
Content, Questionnaires, and Products	12,800
Field Data Collection & Support	47,375
Automated Data Collection & Support	61,058
Design, Methodology, and Evaluation	29,900
Census Test and Dress Rehearsal	16,069
Re-engineered Design Process	173,806

American Community Survey (ACS).—The Committee recommendation includes $146,009,000 for the American Community Survey, which is $18,991,000 below the request and $81,209,000

above the current year. The Committee strongly supports the Administration's efforts to collect long-form data on an on-going basis rather than waiting for once-a-decade decennial long-form data. The recommendation includes the following:

[In thousands of dollars]

Initial Mail Collection	$36,121
Telephone Non-Response Follow-up	16,388
Personal Visit Non-Response Follow-up	62,763
Puerto Rico	3,163
IT Infrastructure	5,526
Data Processing, Weighting & Review	12,521
Data Dissemination	7,478
Partnership and Outreach	2,049
American Community Survey	146,009

The Committee recommendation includes the full request for the American Community Survey with the exception of funding for group quarters testing due to the belief that this function may be postponed for an additional year without increasing the risk to the overall planning process. Further, the Committee recommendation does not include a specific amount for project management costs for the American Community Survey function.

Master Address File (MAF)/Topologically Integrated Geographic Encoding and Referencing (TIGER).—The Committee recommendation includes $80,161,000 for MAF/TIGER Re-engineering, which is $5,043,000 below the request and $1,149,000 above the current year. The Committee supports efforts to enhance the MAF/TIGER to include street and address information from States, localities, and tribal governments. It is in the best interest of the Federal, State, local, and tribal communities to make all existing information available to the Census Bureau to result in the most accurate database. The Committee directs the Secretary of Commerce to take all necessary measures to reduce the payment for information currently available from certain governments. Further, the Committee directs the Secretary of Commerce to work with other Departments to gain access to currently available aerial photography. Further, the Secretary is directed to utilize global positioning system technology and aerial photography to update existing information only if these measures are shown to be a more cost effective alternative. The recommendation includes the following:

[In thousands of dollars]

Modern Processing Environment	$10,551
Geographic Partnership Programs	5,447
Evaluations	6,703
Street Address Location Corrections & GPS	49,245
Address Updating System	8,215
MAF/TIGER Re-Engineering	80,161

Non-Decennial Programs.—The Committee recommendation includes $171,140,000 for non-decennial periodic census programs.

[In thousands of dollars]

Periodic Censuses:	
Other Periodic Programs:	
Economic Censuses	$68,275

Census of Governments	5,198
Subtotal, Economic Programs	73,473
Demographic Statistics Programs:	
Intercensal Demographic Estimates	9,000
Demographic Survey Sample Design	11,108
Electronic Information Collection	6,561
Geographic Support	40,573
Data Processing Systems	30,425
Subtotal, Demographic Programs	97,667
Total, Non-Decennial Programs	171,140

Subgroup Enumeration.—The Committee commends the efforts of the Census Bureau to work with interested parties to ensure that necessary measures will be taken to ensure accuracy in enumerating Hispanic subgroups.

The Committee appreciates the efforts of the Census Bureau to consider new options for reporting data reflecting all citizens of the United States, including Puerto Rico.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

The Committee recommendation includes a total of $17,820,000 for the National Telecommunications and Information Administration (NTIA) for fiscal year 2005, which is $6,819,000 below the request and $33,241,000 below the current year.

NTIA is responsible for developing domestic and international telecommunications and information policy for the Executive Branch, ensuring the efficient and effective use of the Federal radio spectrum, and administering Federal programs that support telecommunications facilities for public broadcasting.

SALARIES AND EXPENSES

The Committee recommendation includes $15,282,000 for the Salaries and Expenses appropriation of the National Telecommunications and Information Administration (NTIA), which is $6,819,000 below the request and $832,000 above the current year.

The Committee continues to direct the Administration to aggressively pursue all opportunities for reimbursement, deobligations, and use of non-appropriated resources, to maximize the operating level for this purpose.

The Committee recommendation and the request assume that an additional $34,996,000 will be available to the NTIA in fiscal year 2005 through reimbursements from other agencies for the costs of providing spectrum management, analysis and research services.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The Committee recommendation includes $2,538,000, which is the same as the request and $19,231,000 below the current year, to provide program management of existing planning and construction grants for public television, radio, and non-broadcast facilities.

The Committee understands as of April 5, 2004, 246 of the 355 public television stations were broadcasting via a digital signal.

These stations serve markets representing 86.3 percent of American households with television.

The Committee understands that although a station is able to transmit a digital signal, it may not be able to broadcast in digital. The Committee remains concerned that the challenges are particularly great for those broadcasters located in, or serving, largely rural areas.

INFORMATION INFRASTRUCTURE GRANTS

The Committee recommendation does not include a new appropriation for the Information Infrastructure Grants program account, the same as the request and $14,842,000 below the current year.

Given the amount of funding that is provided to communities through the Universal Service Support Fund, and in light of other priorities, the Committee concurs with the Administration's elimination of the program. The Committee notes the Universal Service Support Fund supported $8.193 billion for 2003 disbursements for communities—including public and private schools, public libraries, rural health care providers, low-income neighborhoods, and remote communities, such as rural areas—eligible to seek discounts for communications services.

The Committee includes language, as proposed, continuing authorities to ensure program administration of prior-year funds.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The Committee recommendation includes $1,523,407,000 for the United States Patent and Trademark Office (USPTO) for fiscal year 2005, which is $300,947,000 above the current year level and the same as the request. Of this amount, $1,314,653,000 is to be derived from offsetting fees collected in fiscal year 2005, and $208,754,000 is to be derived upon enactment of an authorization to increase certain fees in fiscal year 2005.

The Committee includes language providing that, upon enactment of authorization legislation, $218,754,000 will be collected from increased fees. On March 3, 2004, the House of Representatives passed H.R. 1561 by a vote of 379 to 28. The Committee understands that $218,754,000 will not be available for the United States Patent and Trademark Office until the legislation is enacted into law. For this reason the Congressional Budget Office scored the President's Request and the Committee recommendation at $208,754,000 or $10,000,000 below the amount stipulated in the bill language.

The Committee includes language regarding the number of positions and full-time equivalents for the examination of trademarks and patent applications. Further, language is included designating the number of positions and full-time equivalents in the programmatic Office of General Counsel, including the Office of the General Counsel, Office of the Solicitor, Trademark Trial and Appeal Board, Patent Appeals and Interferences, General Law Office, and the Office of Enrollment and Discipline.

Within the amounts available, the Committee expects that the PTO will continue its relationships with the National Inventor's

Hall of Fame and Inventure Place, and with the International Intellectual Property Institute at no less than the levels in fiscal year 2004.

The Committee reminds the PTO that any changes from the funding distribution provided in the bill and report, including carryover balances, are subject to the reprogramming procedures set forth in section 605 of this Act.

In addition, PTO is directed to submit to the Committee, not later than three months after the enactment of this Act, a spending plan that incorporates any carryover balances from previous fiscal years and any changes to the patent or trademark fee structure.

Telework.—The Committee commends PTO for its successful telework program. The Committee understands that 110 trademark examining attorneys, or 44 percent of the examining corps, are working from home. Further, the Committee understands that PTO will have nearly 30 other trademark professionals in a telework program by the end of Fiscal Year 2004. Further, the Committee lauds the efforts of the patent examiners and the PTO to increase the number of teleworking patent examining attorneys to 150, or 60 percent of the patent examiner workforce.

The PTO is charged with administering the patent and trademark laws of the United States. PTO examines patent applications, grants patent protection for qualified inventions, and disseminates technological information disclosed in patents. The PTO also examines trademark applications and provides Federal registration to owners of qualified trademarks. The PTO advises the Office of the United States Trade Representative on enforcement issues in connection with free trade agreements and participates in consultations with numerous foreign governments on a broad range of issues related to the enforcement of intellectual property rights.

SCIENCE AND TECHNOLOGY

The Committee recommendation includes $3,689,517,000 in direct appropriations for the Science and Technology programs of the Department of Commerce, including the National Institute of Standards and Technology and the National Oceanic and Atmospheric Administration, which is $639,331,000 below the current year, and $213,744,000 below the request.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

The recommendation includes $6,547,000 for necessary expenses of the Under Secretary for Technology Policy and the Office of Technology Policy, which is $204,000 above the current year level and $1,747,000 below the request. The Committee understands the Office is conducting an assessment of the extent and implications of workforce globalization in certain sectors of our economy. The Committee continues its direction included in the Statement of Managers accompanying the Fiscal Year 2004 Appropriations Act regarding business strategies and practices, as well as education and training programs in countries such as Japan, China, and India. The Committee expects the final report to be provided to the Committee no later than June 30, 2004.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The Committee includes $524,970,000 for the National Institute of Standards and Technology (NIST) for fiscal year 2005, which is $96,524,000 below the current year and $3,501,000 above the request.

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The Committee recommendation includes $375,838,000 for the Scientific and Technical Research and Services (core programs) of the National Institute of Standards and Technology, which is $35,095,000 above the current year, and $47,030,000 below the request.

The Committee recommendation includes $338,657,000 and 1,831 positions to support the full base operating costs of the core NIST programs, as requested. In addition, the Committee recommendation includes programmatic increases totaling $37,181,000 for this account. The Committee expects NIST to prioritize funding for programs associated with standards and guidelines relating to the national security of the United States, including efforts relating to biometric and cyber security and programs relating to improvements to the nation's manufacturing and services sectors. The Committee strongly urges NIST to give priority consideration to Help America Vote Act outreach to the election community; expediting work on a new voting standards accreditation program; and its work with the Technical Guidelines Development Committee working with the Election Assistance Commission. NIST is directed to provide in advance of the fiscal year 2006 hearings a report detailing what steps must be taken to bring its activities in line with the timetable established by the Act. Further, the Committee directs NIST to provide all necessary equipment for the Advanced Measurement Laboratory in Gaithersburg, Maryland.

The Committee directs the Secretary to submit a spending plan for fiscal year 2005 to the Committee no later than November 15, 2004.

The recommendation continues funding of $2,400,000 for a telework project and $6,500,000 for a critical infrastructure program, both of which received similar funding in fiscal year 2004.

INDUSTRIAL TECHNOLOGY SERVICES

The Committee recommendation includes $106,000,000 for the Industrial Technology Services appropriation of the National Institute of Standards and Technology, which is $110,480,000 below the current year level and $66,810,000 above the request.

Manufacturing Extension Partnership (MEP) Program.—Recent economic downturns have had a devastating effect on the manufacturing sector. In an effort to ameliorate some of these effects, the Committee recommendation includes $106,000,000 for this program in fiscal year 2005, which is $66,810,000 above the request and the current year. Federal support for the MEP program, combined with State and private sector funding, have translated into more jobs, more tax revenue, more exports, and a more secure supply source of consumer and defense goods.

The Committee directs NIST to provide assistance to an applicant under the MEP program only if the applicant agrees to make

available to the public on request their audited statements, annual budgets, and minutes of meetings and agrees to provide the public with reasonable notice of, and an opportunity to attend, their meetings. The Committee further directs NIST to provide assistance to an applicant under the MEP program only after the applicant files appropriate Federal financial disclosure statements.

Advanced Technology Program.—The Committee adopts the President's request, and does not include funding for this program.

CONSTRUCTION OF RESEARCH FACILITIES

The Committee recommendation includes $43,132,000 for the construction and major renovations of the NIST campuses at Boulder, Colorado, and Gaithersburg, Maryland.

The Committee directs NIST to submit a quarterly report to the Committee on the progress of all construction projects, beginning with the second quarter of fiscal year 2005.

This account supports all NIST activities by providing state of the art facilities necessary to carry out the NIST mission.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The Committee recommendation includes a total program level of $2,337,000,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of the National Oceanic and Atmospheric Administration (NOAA). This total funding level includes $2,245,000,000 in direct appropriations, a transfer of $79,000,000 from balances in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" account, and $13,000,000 in deobligated balances of prior year appropriations. The direct appropriation of $2,245,000,000 is $398,251,000 below the fiscal year 2004 level and $135,841,000 below the request. The recommended funding level for NOAA terminates many one-time, non-recurring projects, as requested by the Administration, and further reflects the deferral of funding for some programs. The Committee notes that requested funding levels, especially for oceans and fisheries programs, are significantly below fiscal year 2004 enacted levels. The recommendation reflects the need to defer lower priority programs in light of scarce discretionary resources and extraordinary requirements above the requested funding levels in other critical areas within the bill. As in fiscal year 2004, the recommendation does not include language to transfer $3,000,000 from prior year receipts relating to the coastal zone management program.

Language is included in the bill specifying the total amount of direct obligations available for each of the NOAA line offices and other related activities funded through this account. Language is continued from fiscal year 2004 prohibiting the application of any general administrative charge against assigned activities under NOAA, and new language is included to limit the total amount provided for NOAA corporate services administrative overhead to $173,600,000. The Committee notes that line office personnel and overhead costs will be funded from the totals provided for each re-

spective line office. However, funding for common corporate services and for a payment to the Department's Working Capital Fund, requested under each line office, have instead been provided directly as separate line items in the Program Support budget. The Committee directs NOAA to submit a report sixty days after enactment of this Act, separately displaying the amount planned for line office personnel and overhead and the resulting changes to programmatic budget line items within each line office. The Committee further directs NOAA to submit, simultaneously with the submission of the fiscal year 2006 budget request, a report that clearly delineates the positions, full-time equivalents, and salary-related costs within the request for each line office. This report shall reflect adjustments for actual on-board staff in fiscal year 2004 and estimated staffing levels in fiscal year 2005.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act:

National Ocean Service (NOS).—The recommendation provides $351,000,000 for NOS operations, research and facilities. The recommendation includes amounts above the request for Mapping and Charting and to address the hydrographic survey backlog detailed in the National Survey Plan. The Committee directs NOAA to provide to the Committee, no later than January 31, 2005, a report documenting the updated composition of the backlog and an implementation plan for addressing the backlog. Within the amount provided for Tide and Current Data, funding is continued for the Great Lakes National Water Level Observation Network (NWLON) program. The amount recommended for Geodesy includes funding for programs in North Carolina, Kentucky, Wisconsin, Alabama, and Washington. The Committee expects NOAA to work with the private mapping community to develop a strategy for expanding contracting with private entities to minimize duplication and take maximum advantage of private sector capabilities in fulfillment of NOAA's mapping and charting responsibilities. NOAA shall submit a report on such a strategy to the Committee no later than November 1, 2004. This report shall include a description of activities currently performed by NOAA, and activities performed by contractors, accompanied by cost and percentage information for each.

Within the amount provided for Ocean Assessment, the Committee directs NOAA to continue funding for the JASON project, Chesapeake Bay activities, Monterey Bay B–WET, and Lake Pontchartrain assessment, and to develop a competitive national program to continue partnerships in coastal observing. The recommendation for NOS includes the full amount requested under NOS and the National Marine Fisheries Service for NOAA's Coral Reef programs, including the continuation of program activities in Florida and Puerto Rico. Within the amount provided for Response and Restoration, the recommendation includes requested funds for Pribilof Islands cleanup; funds for NOAA to consult with and provide assistance to the Departments of Defense and the Interior and the Environmental Protection Agency in carrying out responsibilities to clean up Vieques Island, Puerto Rico; and funds for the aquatic resources environmental initiative.

The recommendation provides requested funding amounts for the Coastal Zone Management grants program, the National Estuarine Research Reserve System, and Marine Protected Areas. The rec-

ommendation includes $30,000,000 for the Marine Sanctuaries Program, which is $6,000,000 below the request. The Committee notes that the program received a one-time increase of $17,000,000 in fiscal year 2004, and that NOAA has yet to propose a final spending plan for fiscal year 2004 funds. The recommendation anticipates that carryover balances will be available in fiscal year 2005 to supplement new appropriations for the program. Within the amount available for the program in fiscal year 2005, the Committee expects that funds will be allocated for conservation activities at the Monitor National Marine Sanctuary and Monterey Bay National Marine Sanctury Explortion Center.

National Marine Fisheries Service (NMFS).—The recommendation provides $525,700,000 for NMFS operations, research and facilities. The recommendation for Science and Technology continues funding for horseshoe crab research, tuna tagging, bluefish/striped bass research, and highly migratory shark research. The recommendation for Science and Technology also includes consolidated funding for operations, maintenance and lease costs of all NMFS labs. In future NMFS base budget requests, the Committee expects NOAA to include costs associated with NMFS labs that in previous fiscal years have been funded and requested on separate line items. The recommendation includes increased resources above the request to expand stock assessments, including the continuation of funding for implementation of a West Coast in-season harvest data collection system, and for a cooperative fisheries investigation program. The recommendation includes requested funding levels for Columbia River facilities and hatcheries, and Pacific Salmon Treaty activities. Within the amount provided for Protected Species Management, the Committee expects NOAA to continue current year funding for National Fish and Wildlife Foundation species management programs. Within the amount provided for Sustainable Habitat Management, the recommendation continues funding for Chesapeake Bay studies, fisheries management, and education programs; native and non-native oyster research and restoration; blue crab research; and the Narragansett Bay marine education program. Within the amount provided for Fisheries Habitat Restoration, the Committee directs NOAA to continue funding for the Bronx River Restoration and Pinellas County Environmental Fund programs. Within the amount provided for Enforcement and Surveillance, the Committee encourages NOAA to work with partner entities in the development and use of forensic tools to improve fisheries law enforcement capabilities.

The Committee directs NOAA to assign high priority to Saltonstall-Kennedy grant proposals for research and education efforts to protect high-risk consumers from naturally occurring bacteria associated with raw molluscan shellfish. The Committee expects NOAA to continue funding provided to the Gulf and Atlantic Foundation for education programs regarding *Vibrio vulnificus*.

Oceanic and Atmospheric Research (OAR).—The recommendation includes $318,500,000 for OAR operations, research and facilities. The recommendation includes $68,500,000 for the Climate and Global Change program, an increase of $9,175,000 above the request. The recommendation also continues funding for the Climate Change Research Initiative at the fiscal year 2004 level. The recommendation for Weather and Air Quality Research includes re-

quested funding for tornado severe storm research. The amount provided for Invasive Species and Partnership Programs continues funding for aquatic ecosystems programs, and programs regarding ballast water impacts in the Great Lakes and the Chesapeake Bay. No later than May 1, 2005, NOAA shall submit a report to the Committee detailing the effectiveness of ballast water exchange programs in controlling invasive species in the Great Lakes basin and the Chesapeake Bay. The report shall also include recommendations for additional measures to strengthen controls on invasive species. The Committee also expects NOAA to report to the Committee by July 31, 2005, on the development of forecasting models for beach closings in southern Lake Michigan, with specific attention to possible impacts of sewage overflows.

The recommendation also provides $60,000,000 for the National Sea Grant College Program, which is $2,542,000 above the request. The amount recommended for Information Technology, R&D, and Science Education includes funding, as requested, for the Education Partnership Program/Minority Serving Institutions, which was funded under Program Support in previous years.

The Committee strongly urges NOAA to carefully coordinate its efforts to protect and preserve the Great Lakes with other Federal, State, and local entities. The Committee encourages NOAA to pay particular attention to the grave threats posed to this critical ecosystem by invasive species like the Asian carp and sea lamprey, mercury contamination, sewage overflows, destruction of coastal and inland wetlands, and the lack of progress in cleaning up contaminated Great Lakes harbors. The Committee directs NOAA, in consultation with EPA, to report to the Committee on mercury contamination in the Great Lakes, with trend and source analysis, by July 31, 2005. The recommendation continues current year funding for a Great Lakes toxicity study.

The Committee acknowledges the ongoing work of the NOAA Research Review Team, which has produced a draft report and is currently collecting comments. The Committee directs NOAA to submit a complete and comprehensive response to the Research Review Team's recommendations no later than 30 days after the publication of the final report. The Committee continues to believe that resource limitations require NOAA to act expeditiously on laboratory consolidation. The Research Review Team report provides a necessary first step toward rationalization of the enterprise-wide research effort. To continue this effort, the Committee expects NOAA to dedicate funds provided under Program Support-Corporate Services to establish an external task team to evaluate the structure and function of ecosystem research in NOAA labs, moving toward rationalization and consolidation. The Committee expects that this task team will be made up of experts in science and research who are not currently employed by NOAA or currently serving on any of NOAA's Federal Advisory Committees. The Committee further expects that the task team will consider opportunities for enhancing functional and thematic alignment of research activities within NOAA, utilizing, where appropriate, the geographic alignment of laboratories within NOAA.

National Weather Service (NWS).—The recommendation provides $698,700,000 for National Weather Service operations, research and facilities. The recommendation represents full requested fund-

ing for NWS, adjusted for amounts for administrative costs provided directly under Program Support.

The recommendation for Local Warnings and Forecasts includes requested funding for the Space Environment Center. The recommendation adopts the proposal to move this program from OAR to NWS, reflecting the important operational services provided by the Center. The amount provided for Local Warnings and Forecasts also continues funding for the multi-year, multi-disciplinary hurricane mitigation cooperative research initiative, and includes funding for air quality forecasting programs including an effort to establish air quality and meteorological monitoring equipment throughout the Shenandoah Valley and utilize sophisticated computer modeling software and data processing hardware to gather, analyze and disseminate real time and predictive information to local decision makers, research programs, and the general public. Within the amount provided for Weather Radio Transmitters, the Committee expects NOAA to address any lack of weather radio coverage in Harper County, Kansas, and in the Overton-Pickett County emergency communication district of Tennessee, in order to increase warning times in the event of dangerous storms and tornados.

National Environmental Satellite, Data and Information Service (NESDIS).—The recommendation provides $139,500,000 for NESDIS operations, research and facilities. The recommendation represents full requested funding for NESDIS, adjusted for amounts for administrative costs provided directly under Program Support. The recommendation includes requested funding levels for satellite data product processing and distribution, and for satellite product development, readiness and application. The recommendation for Data Centers and Information Services continues environmental data archiving, access and assessment activities funded in fiscal year 2004. The Committee encourages NESDIS to continue funding for Regional Climate Centers.

Program Support.—The recommendation provides $303,600,000 for Program Support, including $173,600,000 for corporate services, $16,000,000 for facilities, and $114,000,000 for marine and aviation operations. The recommendation for corporate services reflects the consolidation and direct funding of all such costs under Program Support. The amount provided for corporate services includes $57,000,000 for consolidated corporate administrative costs, and $41,000,000 for a payment to the Department's Working Capital Fund. In the request, these costs were spread to all NOAA line office budgets. The recommendation continues language prohibiting the charging of line office program budgets for costs of corporate services.

The Committee understands that NOAA may transfer a surplus vessel to the Utrok Atoll Local Government under Public Law 108–219. The Committee expects NOAA to report to the Committee by September 30, 2004, describing any plans to carry out this authority.

NATIONAL OCEAN SERVICE Operations, Research and Facilities (In thousands of dollars)	Amount
Navigation Services	
Mapping & Charting	52,000
Address Survey Backlog/Contracts	22,000
Geodesy	25,000
Tide & Current Data	20,000
Total, Navigation Services	119,000
Ocean Resources Conservation and Assessment	
Ocean Assessment Program	48,000
Coral Reefs	25,000
Response and Restoration	28,000
Oceanic and Coastal Research & Science	8,000
Total, Ocean Resources Conserv. & Assess.	109,000
Ocean and Coastal Management	
CZM Grants	64,000
CZMA Program Administration	6,500
National Estuarine Research Reserve System	16,500
Nonpoint Pollution Implementation Grants	3,000
Marine Protected Areas	3,000
Marine Sanctuary Program	30,000
Total, Ocean and Coastal Management	123,000
Total, National Ocean Service - ORF	351,000

NATIONAL MARINE FISHERIES SERVICE Operations, Research and Facilities (In thousands of dollars)	Amount
Fisheries Science, Technology & Research	
Science and Technology	93,100
Expand Stock Assessments - Improve Data Collection	25,000
Fish Statistics	16,000
Information Analysis and Dissemination	22,000
Alaska Groundfish Surveys and Research	4,000
Cooperative Research	5,000

Driftnet Act Implementation	1,500
Fisheries Information Network/Data Collection	24,000
Observers/Training	20,000
Total, Science, Technology & Research	210,600
Conservation and Management	
Conservation and Management	22,000
Fisheries Management Programs	30,000
NMFS - NEPA	8,000
Interjurisdictional Fisheries Grants	2,600
Interstate Fish Commissions	8,000
Regional Councils	15,000
Columbia River Facilities & Hatcheries	16,500
Pacific Salmon Treaty	7,500
Total, Conservation and Management	109,600
Protected Resources Research and Management Services	
Science and Technology	18,000
Protected Resources Research	52,500
Conservation Management	15,000
Protected Species Management	35,000
Total, Protected Resources Research and Management Services	120,500
Habitat Conservation Research and Management Services	
Sustainable Habitat Management & Conservation	24,000
Fisheries Habitat Restoration	15,000
Total, Habitat Conservation Research Management Services	39,000
Enforcement and Surveillance Services	
Enforcement and Surveillance	27,000
Enforcement and Surveillance - Vessel Monitoring System	4,000
Cooperative Agreements w/States	15,000
Total, Enforcement and Surveillance Services	46,000
Total, National Marine Fisheries Service - ORF	525,700

OCEANIC AND ATMOSPHERIC RESEARCH Operations, Research and Facilities (In thousands of dollars)	Amount
Climate Research	
Laboratories & Joint Institutes	48,000
Climate and Global Change	68,500
Climate Observations and Services	26,000
Climate Change Research Initiative	27,000
Total, Climate Research	169,500
Weather & Air Quality Research - Labs and Joint Institutes	34,000
Ocean, Coastal, and Great Lakes Research	
Laboratories & Joint Institutes	20,000
Invasive Species & Partnership Programs	7,000
National Sea Grant College Program	60,000
Total, Ocean, Coastal, and Great Lakes Research	87,000
Information Technology, R&D, & Science Education	28,000
Total, Oceanic and Atmospheric Research - ORF	318,500

NATIONAL WEATHER SERVICE Operations, Research and Facilities (In thousands of dollars)	Amount
Operations and Research	
Local Warnings and Forecasts	551,300
Advanced Hydrological Prediction Services	5,600
Aviation Weather	2,400
WFO Maintenance	6,600
Weather Radio Transmitters	2,400
Central Forecast Guidance	43,300
Total, Operations and Research	611,600
Systems Operation & Maintenance (O&M)	
NEXRAD	40,500
ASOS	8,000
AWIPS	35,800
NWSTG Backup - CIP	2,800
Total, Systems Operation & Maintenance	87,100
Total, National Weather Service - ORF	698,700

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE Operations, Research and Facilities (In thousands of dollars)	Amount
Environmental Satellite Observing Systems	
Satellite Command and Control	39,300
Product Processing and Distribution	25,300
Product Development, Readiness & Application	22,500
Total, Environmental Satellite Observing Systems	87,100
NOAA's Data Centers & Information Services	52,400
Total, NESDIS - ORF	139,500

PROGRAM SUPPORT Operations, Research and Facilities (In thousands of dollars)	Amount
Corporate Services	
Under Secretary & Associate Offices	25,000
Consolidated Corporate Administrative Costs	57,000
Payment to DOC Working Capital Fund	41,000
Policy Formulation and Direction	41,000
CAMS	9,600
Total, Corporate Services	173,600
Facilities	
NOAA Facilities Management & Construction	12,000
Environmental Compliance & Safety	4,000
Total, Facilities	16,000
Marine and Aviation Operations	
Marine Services	81,000
Fleet Planning and Maintenance	12,500
Aviation Operations	18,500
Future Healthcare Benefits for Current Officers	2,000
Total, Office of Marine & Aviation Operations	114,000
Total, Program Support - ORF	303,600

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The recommendation includes $840,000,000 for the Procurement, Acquisition and Construction account, which is $139,708,000 below the current year level and $58,510,000 below the request. The recommendation assumes that an additional $3,000,000 will be available from prior year deobligations, resulting in a total program level of $843,000,000. The recommendation includes language making any use of deobligated funds provided under this heading in previous years subject to the reprogramming procedures set forth in section 605 of this Act.

The recommendation includes requested funding levels for Weather and Climate Systems Acquisition and Satellite Systems Acquisition. With regard to the N–Prime program, the Committee notes that NOAA has not requested any additional funds for recovery costs related to the incident that resulted in damage to the satellite, nor has the Committee included funds to address any additional costs. The Committee expects NOAA to keep the Committee informed of the status of the N–Prime satellite.

The Committee directs NOAA to submit to the Committee, no later than 60 days after the enactment of this Act, an updated long range facilities plan, along with a corresponding proposed spending plan for all resources allocated for facilities renovation and construction costs in fiscal year 2005.

Within the amount provided for Aquatic Resources Program Initiatives, the Committee expects NOAA to continue funding for the Aquatic Resources, Conservation Institute and AMNH marine environments initiatives, which were funded in fiscal year 2004.

The following table identifies the specific activities and funding levels included in this Act:

PROCUREMENT, ACQUISITION & CONSTRUCTION (In thousands of dollars)	Amount
National Estuarine Research Reserve Construction (NOS)	3,000
Marine Sanctuaries Construction (NOS)	4,000
Coastal and Estuarine Land Conservation Program (NOS)	3,000
Aquatic Resources Program Initiatives	5,000
Research Supercomputing/ CCRI (OAR)	6,000
Weather and Climate Systems Acquisition (NWS)	72,000
WFO Construction (NWS)	13,000
Satellite Systems Acquisition - Geostationary (NESDIS)	309,000
Satellite Systems Acquisition - POES (NESDIS)	106,500
Satellite Systems Acquisition - NPOESS (NESDIS)	307,500
EOS & Advanced Polar Data Systems (NESDIS)	3,000
CIP - Single Point of Failure (NESDIS)	3,000
Comprehensive Large Array Data Stewardship (NESDIS)	6,500
Aircraft Safety & Regulatory Upgrades (OMAO)	1,500
Total PAC	843,000

PACIFIC COASTAL SALMON RECOVERY

The recommendation includes $80,000,000 for conservation and habitat restoration and recovery grants for endangered and threatened Pacific salmon populations, which is $9,052,000 below the current year and $20,000,000 below the request. The recommendation continues the guidance in the fiscal year 2004 House report and Conference report regarding the allocation of funds under this account for implementation of the State of Washington's Forest and Fish report and for mass marking equipment used at Federal hatcheries in the State of Washington. As in the current fiscal year, the Committee intends that the State of Idaho shall be eligible to receive funding under this account.

The Committee notes with concern the program assessment rating for this program contained in the President's budget for fiscal year 2005, which concludes that results have not been demonstrated despite over $436,000,000 in total appropriations over the past five fiscal years. The assessment notes that performance measures have still not been developed, that project effects on Pacific salmon stocks are still unknown, and that the program has not been able to allocate funds based on recovery needs of specific salmon populations.

The Committee understands that NOAA recently announced status reviews and proposed listing determinations for 27 evolutionary significant units (ESUs) of Pacific salmon and steelhead. NOAA's proposed listings identify four endangered and 23 threatened ESUs. The Committee directs NOAA to finalize annual performance measures immediately and to allocate fiscal year 2005 funds toward protection and recovery of the 27 ESUs that NOAA has determined are most at risk. The Committee expects that such an allocation will represent a significant advancement in the achievement of recovery goals even within a reduced annual appropriation.

While specific performance measures have yet to be implemented, the Committee notes that 23 of the 27 ESUs reviewed have been observed to have positive trends over the past four years. Upper Columbia River steelhead and Sacramento River winter-run chinook populations have improved sufficiently to warrant a change of status from endangered to threatened. Other runs such as Middle Columbia River steelhead and Oregon Coast coho are nearing recovery. This is encouraging evidence that Federal, State, local, and tribal salmon recovery efforts may be a contributing factor in these recoveries.

FISHERMEN'S CONTINGENCY FUND

The recommendation does not include new appropriations for the Fishermen's Contingency Fund. The Committee understands that the Department had unobligated balances of $1,512,000 in this account at the beginning of fiscal year 2004. The Committee anticipates that this amount will be sufficient to satisfy claims by vessel owners through fiscal year 2005.

FOREIGN FISHING OBSERVER FUND

The recommendation does not include new appropriations for the Foreign Fishing Observer Fund. The Committee understands that the Department had unobligated balances of $1,683,000 in this ac-

count at the beginning of fiscal year 2004. The Committee anticipates that this amount will be sufficient to cover costs incurred in placing observers aboard foreign fishing vessels.

FISHERIES FINANCE PROGRAM ACCOUNT

The recommendation includes requested language under this heading which will support loan programs to stretch debt service for existing fishing efforts, without increasing capacity. The Committee notes that these loan programs do not require an appropriation for subsidy costs. The recommendation includes language designating a total principal amount of direct loans of $30,000,000 for traditional loans, fishing capacity reduction programs, individual fishing quotas, aquaculture facilities, reconditioning of fishing vessels for the purpose of reducing bycatch or reducing capacity in an overfished fishery, and the purchase of assets sold at foreclosure instituted by the Secretary of Commerce.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The Committee recommendation includes $52,109,000 for costs of managing the Department of Commerce, $5,318,000 above the current year, and $3,912,000 below the request. The recommendation includes language designating $1,621,000 and 12 full-time equivalents for the legislative affairs function of the Department.

The Committee notes that the Department is situated at 14th Street and Constitution Avenue and part of the Federal Triangle zone in Washington, D.C. The Committee understands that this building is the only Federal building in the Federal Triangle zone, including the Department of Justice, the Internal Revenue Service, the Ronald Reagan Building and the Ariel Rios building, that has not undergone window upgrades. The Committee strongly urges the Department and the Administration to use all necessary means to cover the full costs of these mitigation efforts as soon as practicable. The Committee reminds the Department and the Administration that the Congress passed the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, Public Law 107–38. The Committee notes that funding was provided to the United States Patent Office, a fully fee-funded entity, for the costs of security upgrades from this Fund. The Committee has provided sufficient regular and emergency appropriations to cover such necessary security costs.

This appropriation provides for the Office of the Secretary and for staff offices of the Department, which assist in the formulation of policy, management, and administration.

Office Relocations.—The Committee continues to direct the Department to submit quarterly reports providing details of all office moves, openings, reductions and closings, and the costs associated with all moves. The Committee reminds the Department of the requirements to submit reprogramming notifications under section 605 of the Act.

OFFICE OF INSPECTOR GENERAL

The Committee includes $22,249,000 for the Inspector General for fiscal year 2005, which is $1,355,000 above the current year level and the same as the request.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The Committee recommends the following general provisions for the Department of Commerce, similar to provisions that were included in the fiscal year 2004 Appropriations Act:

Section 201 of the bill making Department of Commerce funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest;

Section 202 making appropriations for the Department in the bill for Salaries and Expenses available for hire of passenger motor vehicles, and for services, uniforms and allowances as authorized by law;

Section 203 providing the authority to transfer funds between Department of Commerce appropriation accounts and requiring notification to the Committee of certain actions;

Section 204 providing that any costs incurred by the Department in response to funding reductions shall be absorbed within the total budgetary resources available to the Department and shall not be subject to the reprogramming limitations set forth in this Act.

The recommendation includes new language, as:

Section 205, prohibiting the use of Commerce Department funds for the purpose of reimbursing the Unemployment Trust Fund or any other account of the Treasury to pay unemployment compensation for temporary census workers.

TITLE III—THE JUDICIARY

The funds recommended by the Committee in Title III of the accompanying bill are for the operation and maintenance of United States Courts and include the salaries of judges, magistrates, probation and pretrial services officers, and supporting personnel and other expenses of the Federal Judiciary.

The Committee's recommendation provides $5,545,865,000, which is an increase of $414,429,000 above the fiscal year 2004 level and $158,761,000 below the request. Of the total provided, $5,213,289,000 is derived from general purpose discretionary funds and $332,576,000 is scored as mandatory spending. The recommendation includes increases to provide inflationary pay and benefit adjustments for court support staff; to enhance court security measures; to increase the number of positions to handle workload increases; and to support the Judiciary's core information technology infrastructure.

In addition to direct appropriations, the Judiciary collects fees and has various carryover authorities. The Judiciary uses these non-appropriated funds to offset its direct appropriation requirements. The Judiciary's fiscal year 2005 budget identified a total of $339,153,000 in fees, reimbursables, and carryover to be available to reduce appropriation requirements. Consistent with prior year practices, the Committee expects the Judiciary to submit a finan-

cial plan, allocating all sources of available funds including appropriations, fee collections, and carryover balances. The Judiciary should consider this financial plan to be the baseline for determining if reprogramming notification is required. The Committee expects the plan to be submitted within 45 days after enactment of this Act.

The Committee understands that some courts and U.S. Attorneys Offices, such as those along the Southwest Border, have expedited disposition or "fast track" programs where lower sentences are offered for certain non-violent drug and immigration cases in return for plea agreements and agreements not to appeal. The courts use these streamlined procedures to expedite the disposition of these cases. The Committee understands that the Southwest Border courts could not manage their criminal caseloads without this program and that it reduces costs throughout the criminal justice system including costs for jurors, interpreters, marshals, prosecutors, Federal defenders, district and appellate courts, detention, and incarceration. The Committee directs the Judiciary to submit a report within 45 days of enactment of this Act providing a list of the fast track programs operating throughout the country, including an estimate of the Judiciary resources saved using these programs. The report shall also discuss opportunities to expand fast track programs to other districts.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The Committee recommends an appropriation of $58,122,000 for fiscal year 2005 for the salaries and expenses of the Justices and their supporting personnel, and the cost of operating the Supreme Court, excluding the care of the building and grounds. The recommendation is $3,325,000 above the fiscal year 2004 level and is the same as the request for this account. The recommendation provides inflationary and other standard adjustments. It also includes an increase for additional staff to support operations of the Court.

As noted in the fiscal year 2005 budget hearing for the Supreme Court, the Committee wants to ensure that the public is provided sufficient insight into the Supreme Court's operations. Cost estimates indicate that providing a printed daily digest of Supreme Court proceedings, including briefs, oral arguments, and opinions, would be cost prohibitive. However, the Committee encourages the Supreme Court to pursue internet and audio release of Court proceedings in near real-time. Within 30 days after enactment of this Act, the Committee requests a report on providing improved public access to Supreme Court proceedings.

CARE OF THE BUILDING AND GROUNDS

The Committee recommends an appropriation of $9,979,000 for fiscal year 2005 for personnel and other services relating to the Supreme Court building and grounds, which is supervised by the Architect of the Capitol (AoC). The recommendation is $600,000 below the request. The Committee has been assured by AoC staff that the requested modifications to the Supreme Court's kitchen can be deferred and that no funds are needed in fiscal year 2005.

The Committee remains concerned about some aspects of the Supreme Court's modernization project. It appears that some of the renovation costs initially included in the modernization project may have been removed and requested separately in the fiscal year 2005 request. The Committee urges the Supreme Court and the AoC to remain diligent in their efforts to control the costs of the project, but expects to be informed if any changes to the scope of the original project are made. In future budget requests, the Committee expects the "Care of the Building and Grounds" request to clearly identify items related to modernizing the Court. The Supreme Court and the AoC should provide to the Committee any information pertaining to the Court's approval of the visitor screening facility plan, including options considered (including a connection to the Capitol Visitors' Center) and related costs.

Language in the bill allows funds to remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The Committee recommends an appropriation of $22,936,000 for fiscal year 2005 for the salaries and expenses of the United States Court of Appeals for the Federal Circuit. The recommendation is $2,468,000 above the fiscal year 2004 appropriation and $2,071,000 below the request.

The recommendation includes funding for inflationary adjustments, increased contractual costs for Court Security Officers, and additional perimeter security.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The Committee recommends an appropriation of $14,888,000 for fiscal year 2005 for the salaries and expenses of the United States Court of International Trade. The Committee recommendation is $185,000 below the request and $950,000 above the fiscal year 2004 level.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The Committee recommends an appropriation of $4,177,244,000 for the operations of the regional courts of appeals, district courts, bankruptcy courts, the Court of Federal Claims, and probation and pretrial services offices. The recommendation is $143,000,000 below the request, and $222,208,000 above the fiscal year 2004 appropriation.

The Committee understands that the Judiciary's staffing, operations and maintenance, and information technology resources are allocated to the courts according to formulas used to equitably distribute resources based on the actual workload of each district. The Committee believes this is the optimal method of making such allocations and expects the Judiciary to continue to allocate its resources using the formulas approved by the Judicial Conference.

The Committee also expects the Administrative Office to periodically update the formulas to ensure their accuracy.

The recommendation shifts funding for Federal Protective Service (FPS) costs from this account to the "Court Security" account. The Committee is concerned about the large increase anticipated for FPS costs in fiscal year 2005 and expects a sufficient justification for these costs to be provided before any payment is rendered.

The recommendation includes a $74,594,000 program increase for the courts' staffing and operating expenses. In fiscal year 2004, the courts were forced to take adverse personnel actions including reductions-in-force, early retirements, and employee furloughs. The recommendation will provide 745 additional full-time-equivalents, restoring the courts to the fiscal year 2003 level of on-board staff and providing an increase of 100 additional staff to address an increased workload.

The recommendation includes an increase of $3,539,000 for the cost of eight new magistrate judges and their associated staff to assist in districts with heavy caseloads. The recommendation also includes $6,207,000 for critical information technology increases.

The recommendation also includes an increase of $8,881,000 for probation and pretrial services offices to fund additional costs associated with drug testing and treatment, alternatives to pretrial detention, mental health treatment, electronic monitoring, and other related contract costs. The Committee recognizes that the number of offenders under the supervision of probation officers continues to increase. The Committee also recognizes that the number of high-risk offenders under supervision after serving prison terms has also increased. The Committee's recommendation provides these funds to enhance the Judiciary's ability to supervise offenders.

Bill language is included permitting $27,817,000 to remain available until expended for space alteration projects and for furniture costs related to new space alteration and construction projects.

VACCINE INJURY COMPENSATION TRUST FUND

The Committee recommends a reimbursement of $3,471,000 for fiscal year 2005 from the Special Fund to cover expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986. This amount is $312,000 above the amount available in fiscal year 2004 and the same as the request. The recommendation provides for one additional special master and staff needed because of an increase in case filings.

DEFENDER SERVICES

The Committee recommends an appropriation of $676,469,000 for fiscal year 2005. The recommendation is $78,353,000 above the fiscal year 2004 level and $5,143,000 below the request.

This account provides funding for the operation of the Federal Public Defender and Community Defender organizations and for compensation and reimbursement of expenses of panel attorneys appointed pursuant to the Criminal Justice Act (CJA) for representation in criminal cases.

The recommendation provides panel attorneys with an inflationary rate increase and increases the hourly rate for representation in capital cases from $127 to $159. The recommendation also includes an increase of $45,863,000 above the fiscal year 2004 ap-

propriation for additional representations. Finally, the recommendation provides an increase of $16,525,000 to account for carryover balances used to fund the fiscal year 2004 program.

FEES OF JURORS AND COMMISSIONERS

The Committee recommends an appropriation of $62,800,000. This amount is $5,587,000 above the fiscal year 2004 level and the same as the request.

COURT SECURITY

The Committee recommends an appropriation of $379,580,000 for Court Security for fiscal year 2005 to provide for necessary expenses of security and protective services for the United States Courts in courtrooms and adjacent areas. This is an increase of $105,000,000 above the fiscal year 2004 level and $3,702,000 below the request.

The recommendation shifts funding from the "Salaries and Expenses" account for Federal Protective Service costs to this account, as requested. The recommendation provides for inflationary increases, for additional equipment and security systems, and for new contract court security officers. The recommendation also funds the program increase for additional staff to assist the USMS in managing the judicial facility security program.

The Committee remains concerned about the administration of this program by the USMS and the Administrative Office of the U.S. Courts (AO) and directs the USMS and AO to submit quarterly reports to the Committee on courthouse security equipment and systems spending throughout fiscal year 2005.

Bill language is included allowing up to $15,000,000 to remain available until expended.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The Committee recommends an appropriation of $68,635,000 for the salaries and expenses of the Administrative Office of the United States Courts (AO), which is $3,330,000 above the fiscal year 2004 level and $3,519,000 below the request.

The AO provides administrative and management support to the United States Courts, including the probation and bankruptcy systems. It also supports the Judicial Conference of the United States in determining Judiciary policies, developing methods to allow the courts to conduct business efficiently and economically, and enhancing the use of information technology in the courts.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The Committee recommends an appropriation of $21,737,000 for the salaries and expenses of the Federal Judicial Center for fiscal year 2005, which is $523,000 above the fiscal year 2004 level and $389,000 below the request.

The Center improves the management of Federal judicial dockets and court administration through education for judges and staff,

and research, evaluation, and planning assistance for the courts and the Judicial Conference.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

The Committee provides $36,700,000 for payments to the Judicial Officers' Retirement Fund, the Judicial Survivors' Annuities Fund, and the Claims Court Judges Retirement Fund for fiscal year 2005. This amount is the same as the budget request and $7,700,000 above the fiscal year 2004 level. These payments are considered mandatory for budget scorekeeping purposes.

These Funds cover the estimated annuity payments to be made to retired bankruptcy judges, magistrate judges, Claims Court judges, and spouses and dependent children of deceased judicial officers.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The Committee recommends $13,304,000 for the salaries and expenses of the United States Sentencing Commission for fiscal year 2005, which is $1,080,000 above the fiscal year 2004 appropriation and $152,000 below the request.

The purpose of the Commission is to establish, review, and revise sentencing guidelines, policies, and practices for the Federal criminal justice system. The Commission is also required to monitor the operation of the guidelines and to identify and report necessary changes to the Congress.

The Committee understands that the Commission is currently conducting studies on recidivism, mandatory minimum penalties, and drug offenses. The Committee is pleased that the Commission is studying these issues and expects to be kept informed of the progress of these studies. The Commission plays an important role in keeping the Congress, the Administration, and the public informed on the effectiveness of sentencing guidelines.

The Committee's recommendation provides for certain inflationary adjustments and six additional positions to keep pace with workload changes.

GENERAL PROVISIONS—THE JUDICIARY

The Committee has included the following general provisions in the bill for the Judiciary:

Section 301 includes language, included in previous Appropriations Acts, to permit funds in the bill for salaries and expenses for the Judiciary to be available for employment of experts and consultant services as authorized by 5 U.S.C. 3109.

Section 302 includes language, included in previous Appropriations Acts, which permits up to 5 percent of any appropriation made available for fiscal year 2005 to be transferred between Judiciary appropriations accounts provided that no appropriation shall be decreased by more than 5 percent or increased by more than 10 percent by any such transfer except in certain circumstances. In addition, the language provides that any such transfer shall be treated as a reprogramming of

funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Section 303 includes language, modified from the previous year as requested, authorizing not to exceed $11,000 to be used for official reception and representation expenses incurred by the Judicial Conference of the United States.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

The recommendation in this Title for the Department of State and the Broadcasting Board of Governors totals $9,040,430,000, which is $80,411,000 below the budget request and $297,001,000 above the amount provided in fiscal year 2004, including supplemental amounts. Of the total amount provided, $8,907,830,000 is derived from general purpose discretionary funds and $132,600,000 is scored as mandatory spending. The recommended funding levels include significant program increases to improve security and to meet emerging diplomatic requirements. The recommendation includes the full amount requested, $1,571,021,000, an increase of $78,790,000 above the current year level, to continue worldwide security activities, including the design and construction of replacement facilities for the most vulnerable overseas posts.

DEPARTMENT OF STATE

The Committee's fiscal year 2005 recommendation for the Department of State strongly supports ongoing efforts to strengthen diplomatic, embassy and border security, and to institutionalize management reforms. The Committee recommends a total of $8,430,130,000 for fiscal year 2005 for the Department of State. This amount is $121,411,000 below the budget request and $278,268,000 above the amount appropriated for fiscal year 2004, including supplemental appropriations. Of the total amount provided, $8,297,530,000 is derived from general purpose discretionary funds and $132,600,000 is scored as mandatory spending.

The Committee recommendation includes a total of $6,324,717,000 for the discretionary appropriations accounts under Administration of Foreign Affairs; $1,844,210,000 for the accounts under International Organizations and Conferences; $59,728,000 for International Commissions; and $68,875,000 for Other activities. The Committee's recommended priorities for the Department of State are detailed in the following paragraphs.

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The Committee recommends $4,278,701,000 for the Diplomatic and Consular Programs account, including $658,701,000 to continue funding for worldwide security upgrades, $40,000,000 for technology equipment replacement requirements, and $319,994,000 for public diplomacy international information programs.

This appropriation provides for the formulation and execution of United States foreign policy, including the conduct of diplomatic and consular relations with foreign countries, diplomatic relations with international organizations, and related activities. The ac-

count includes funding for the regional, program, and operations bureaus and offices of the Department of State and the Foreign Service.

The recommendation represents a decrease of $6,343,000 below the request, and an increase of $94,713,000 above the current year, including supplemental amounts. Within this total, the recommendation of $658,701,000 for worldwide security upgrades is $18,805,000 above the fiscal year 2004 level and the same amount as requested. Exclusive of security programs, the recommendation includes $105,824,000 for pay and inflationary adjustments to base, offsets of one-time only programs totaling $143,693,000, and increases of $37,977,000. Security funding increases are described under the "Worldwide Security Upgrades" section below:

Staffing increases.—The Committee recommendation includes a program increase of $29,977,000 for non-security staffing to respond to high-priority diplomatic requirements and to strengthen visa adjudication. This increase will allow the Department to establish and fill approximately 110 new positions, including 63 new foreign service positions, and $17,140,000 to be dedicated to visa adjudication; 10 new positions and $2,720,000 to be dedicated to public diplomacy efforts; and 37 positions and $10,117,000 to meet emerging worldwide staffing requirements, including anticipated mission requirements in Sudan, Libya, and Haiti.

Public Diplomacy Programs.—The recommendation includes language designating that $319,994,000 is available only for Public Diplomacy programs, an increase of 10 positions and $10,720,000 above the request. In addition to the staffing increase described above, the recommendation includes a program increase of $8,000,000 to enhance public diplomacy programs. The need to strengthen our public diplomacy has gained urgency as we continue to see alarming public opinion polls and foreign media content relating to the war on terrorism and the war in Iraq that reveal profound anti-American sentiments, and often a rejection of our policies. The need for expanded efforts is primarily, but not exclusively, in the Arab and Muslim world.

One successful public diplomacy effort is the American Corners program. By the end of 2004, there will be 286 American Corners operated by American Embassies and consulates throughout the world. The Committee expects the increased funding to provide approximately 400 in total. Further, the Committee understands that the Department has established a Persian-language website, specifically targeted at communication with the Iranian people. The Committee believes similar capabilities should be developed for India, Pakistan, and Afghanistan, and urges the Department to support such efforts, including providing additional language materials. Further, the Committee directs the Department to increase efforts to counter disinformation and deliberate misinformation, by monitoring hostile media and providing U.S. spokespersons and foreign media with factual information to respond and to counter malicious propaganda about the United States.

Within the amounts provided, the Committee directs the continuation of an overseas small grant program launched in the current year. The Committee understands this program has provided more than 3,000 English language microscholarships to young people in many Arab and Muslim regions of the world. The focus of this pro-

gram is to provide English language training to non-elite audiences with the hope that learning English will open a window to the English-speaking world, helping to dispel misinformation and misunderstandings that can breed resentment of the United States and its citizens.

The Committee continues to believe that separately identifying public diplomacy resources will facilitate the Committee's ability to monitor funding levels and trends for these activities. The amount identified for public diplomacy programs includes the costs of personnel and programs throughout the Department. The Committee expects the Department to identify any impediments to optimal performance of public diplomacy programs and propose any necessary changes through the reprogramming process. The recommendation for public diplomacy will support the continuation of programs in the Arab and Muslim world, which have been expanded since fiscal year 2002. The Committee directs the Department to provide quarterly reports to the Committee on the steps taken to increase efforts to counter Anti-American sentiments around the world.

The Committee expects the Department to enhance its ability to meet emerging staffing requirements in a climate of resource scarcity by re-evaluating and reallocating resources.

Intelligence and Research.—The Committee recommendation includes the full requested level of funding for the Bureau of Intelligence and Research to focus on preventing terrorism, resolving regional conflicts, preventing and curtailing the proliferation of weapons of mass destruction, and anticipating and responding to humanitarian crises. The Committee continues to support the Bureau's efforts to carry out global public opinion polling.

Stabilization and Reconstruction.—The Committee supports the plan to establish an Office of International Stabilization and Reconstruction within the Department. The Committee understands that this office will be the central entity to plan and coordinate United States Government civilian activities in pre- and post-conflict environments, and to react to complex contingencies. The Committee concurs that coordination responsibility should be vested in the Department of State. Within the amounts provided, not less than 20 positions shall be for the establishment and initial operation of this office in fiscal year 2005. The Committee understands that this office would improve operational response time in the areas of reconstruction, stabilization, and humanitarian assistance. The Committee appreciates the Department's recognition of the requirement to provide a civilian management component to stabilization and reconstruction efforts and to develop a new civilian rapid response capacity that can mobilize U.S. experts from Federal, State, and local levels, as well as from the private and non-profit sectors, to respond to post-conflict and other emergencies. The Committee expects to be notified of any expansion of the office as required by section 605 of this Act.

Trafficking in Persons.—The Committee continues to be concerned about the serious problem of international trafficking in persons. The Committee recommendation continues funding for the Office to Monitor and Combat Trafficking in Persons (TIP Office), as in the current year. The Committee supports the efforts of the Office to further strengthen the annual reporting process and those

of the Department-led Senior Policy Operating Group to coordinate interagency activities to implement the Trafficking Victims Prevention Act of 2000.

International Cooperative Administrative Support Services system (ICASS).—The ICASS system was intended to empower all U.S. government agencies located at an overseas post to more efficiently and economically provide administrative support services. The Committee understands that nearly 18,000 personnel located overseas are considered ICASS staff. Approximately ninety-five percent are local hires; the remainder are American direct hires. The General Accounting Office has recently concluded a review of the ICASS system and has highlighted concerns. Many positions charged as ICASS positions in overseas posts are not categorized as such by the local ICASS council. The Committee understands that nearly two-thirds of overall ICASS costs are attributed to personnel. Therefore, the Committee directs the Department to review the program and report its findings and recommendations to the Committee.

Club Drugs.—The Committee notes the progress made by the DEA and State Department against Club Drugs under the "Roadmap" with the Belgian and Dutch governments. The Committee directs State and DEA to submit a report to the Committee no later than December 31, 2004, detailing steps to be taken in the second roadmap. The second roadmap should emphasize sufficient U.S. presence in the Netherlands, more effective work against the export of precursor chemicals and a review of terrorist links by the Club Drug trafficking organization.

War Crimes.—Charles Taylor, the former president of Liberia, has been indicted by the Special Court for Sierra Leone and faces 17 counts of war crimes, crimes against humanity, and violations of international humanitarian law. Charles Taylor organized and ordered widespread and systematic attacks on the civilian population of Sierra Leone. According to the indictment, his supporters commonly used abductions, hacking off of limbs, facial and bodily mutilations, and gang rapes to wage a terror campaign against civilians insufficiently supporting the Revolutionary United Front in Sierra Leone. The governments of Guinea and Ivory Coast have publicly called for Charles Taylor to face charges before the Special Court of Sierra Leone. The Committee expects the Department to ensure that funding for the Special Court continues until all indictees are brought to justice.

International Religious Freedom.—The recommendation continues funding for the Office of International Religious Freedom in the Bureau of Democracy, Human Rights and Labor. The Committee continues to support the integration of religious freedom into United States foreign policy. The Committee expects the Office to develop and implement comprehensive strategies to promote religious liberty, and to assist in the preparation of the Human Rights Reports and the annual Report on International Religious Freedom. The Committee also expects the Office, in consultation with the Commission on International Religious Freedom, to work to further incorporate religious freedom themes in the Department's public diplomacy programs. In addition, the Committee expects the Department to continue to integrate the internationally recognized

right to freedom of religion into foreign service officer training at all levels.

The Committee urges the Secretary of State to continue to every extent possible to monitor and promote religious freedom and human rights in China, Eritrea, India, Nigeria, Pakistan, Saudi Arabia, Sudan, Turkmenistan, Uzbekistan, and Vietnam. The Committee further expects the Secretary of State to use all available fora and formal actions to address violations of religious freedom in these countries. The Secretary of State should continue to consult with the U.S. Commission on International Religious Freedom to promote religious freedom and human rights abroad.

Worldwide Security Upgrades.—The Committee recommendation includes $658,701,000, the full amount requested under Diplomatic and Consular Programs, for the costs of worldwide security upgrades. The recommendation includes $586,103,000 for ongoing security activities, including guard services, physical security equipment, armored vehicles, personnel, training, and wireless communications including necessary protections for U.S. facilities and personnel in Kabul, Afghanistan, and Dushanbe, Tajikistan; $43,400,000 to continue the perimeter/compound security initiative; and $29,198,000 in program increases. The recommendation does not include $11,500,000 to continue one-time only programs, including funding for a training center, a systems accreditation program, and a domestic readiness exercise.

Program increases include $4,000,000, for a total of $18,422,000, for the prevention and response to chemical or biological agents in various locations around the world; $14,698,000 to support the addition of 71 security professional staff positions, including 6 special agents and 55 professional and administrative support positions; $4,500,000, for a total of $27,714,000, to maintain a five-year replacement cycle for armored vehicles; $3,000,000 to reduce the risk that information systems will be compromised; and $3,000,000 to improve electronic access to, and exchange of, security and law enforcement information.

Right-Sizing the U.S. Government Presence Overseas.—The Committee continues to define right-sizing as the reconfiguration of overseas U.S. Government staff to the number necessary to achieve U.S. foreign policy goals. The Committee is convinced, and agrees with the recommendation of the Overseas Presence Advisory Panel, that rationalizing staffing and operations abroad has the potential for significant budgetary savings. It costs two to three times as much to maintain an employee outside of the United States as it does within the United States. The notion of right-sizing as a desirable means to improve security and gain efficiencies implies that the current number of overseas staff in some locations is greater than the minimum number necessary, and that the presence of a number greater than the minimum number presents an unnecessary and unacceptable financial and security burden. Given the security requirements for the U.S. mission in Iraq, the Committee strongly urges the Department to use the most stringent criteria for determining staffing levels. As part of the overall right-sizing function, the Committee encourages the Department to review the ICASS system and fully explore how ICASS can contribute to right-sizing efforts. The Committee recommendation continues funding

for the Office on Right-Sizing the United States Government Overseas Presence.

Worldwide Technology Infrastructure.—The Committee recommendation includes $40,000,000 for the costs of continuing information technology replacement costs, which was associated with the deployment of OpenNet and classified connectivity systems requested under the Capital Investment Fund account.

Border Security Program.—The recommendation includes $836,480,000 for the Department's Border Security program, of which $75,000,000 is from appropriated funds, $661,480,000 is funded through collection of Machine Readable Visa (MRV) fees and $100,000,000 is to be funded through a proposed Enhanced Border Security Program Fee. The total amount is an increase of $96,089,000 above the fiscal year 2004 program level. This funding level includes a program increase of 60 new consular positions for a total position base of 2,585 positions by the end of fiscal year 2005. The Committee directs the Department to continue its bimonthly reporting on MRV fee revenue as specified in the conference report accompanying the fiscal year 2003 Supplemental Appropriations Act (Public Law 108–11).

The Committee urges the Department to continue to work on an interagency basis to strengthen the visa process to make it an effective anti-terrorism tool, while avoiding the creation of unnecessary barriers or delays to legitimate travel to the United States. In addition, the Committee continues to support Bureau of Consular Affairs efforts to implement the diversity visa program.

Interagency Task Force.—The recommendation continues base funding for costs associated with the operation of a U.S. Government interagency task force to monitor the United Nations headquarters renovation project.

Minority Recruitment and Hiring.—The Department is directed to continue base funding for the educational partnership with Hostos Community College and Columbia University. This program supports the Department's ongoing efforts to increase minority hiring and diversity by facilitating the preparation of non-traditional and minority students for careers in the Foreign Service and the State Department. The Committee also expects the Department to continue base funding for an ongoing partnership with Howard University in support of the Department's efforts to enhance the diversity of the U.S. diplomatic corps by increasing the number of underrepresented minorities in foreign relations and international affairs careers. These resources are to continue and expand the successful collaborative partnership between the Department and Howard University to recruit and prepare students from various institutions with large minority populations for positions in the U.S. Foreign Service.

Overseas Schools.—The Committee commends the Consolidated Overseas Schools Assistance Program for its continuing effectiveness in improving the quality of education for American children residing abroad. This program fulfills the two-fold purpose of providing a high quality, American-style education for children of Americans assigned overseas and demonstrating American educational philosophy and practice to children of other countries and local educators. The Committee also commends the continuing contribution of the Overseas Schools Advisory Council and its Program

of Educational Assistance that helps provide educational excellence to American overseas schools. In addition, the Council successfully promotes financial and in-kind support to these schools from American businesses and foundations, as well as volunteer participation in activities of the schools by American firms' employees and their spouses stationed overseas.

The Committee supports the work the Department is doing to secure State Department employees and their families serving overseas.

Security of Classified Material.—Consistent with the report submitted to the Committee in 2002 and language included since fiscal year 2004, the recommendation includes necessary sums to continue efforts to replace locks used to secure classified information.

Tibet.—A number of provisions in the Tibetan Policy Act fall under the jurisdiction of the Department of State including provisions concerning establishment of a U.S. presence in Lhasa; Tibetan language training and requirements for Foreign Service officers; promotion of advocacy on religious freedom in Tibet; necessary support for the Office of the Special Coordinator for Tibetan Issues; and the need to raise inter-departmental awareness of the provisions of this legislation. The Committee urges the relevant bureaus and offices within the Department to ensure the full implementation of the Tibetan Policy Act. The Committee directs the Department to report to the Committee on Appropriations, 90 days after enactment, on the steps it has taken to fully implement the Tibetan Policy Act.

Legislative Affairs.—The recommendation includes language, similar to language carried for the other Departments funded under this Act, establishing a budget and position ceiling for the Bureau of Legislative Affairs.

Presence in China.—The United States currently maintains six diplomatic facilities in the People's Republic of China. Given the size of China's population and its rapid economic growth, the Committee believes that our relations with China are growing in importance and workload. Many of the American companies exporting goods and services regard China as an important marketplace. Yet, many American companies find China to be a source of many unfair trading practices and detrimental to the economic security of certain companies. The Committee expects that future staffing plans will reflect this reality. Further, the Committee continues to emphasize the key human rights, religious freedom, economic and military issues the Department will have to monitor in the coming years. The Committee is concerned that the Department's number of proficient Chinese language speakers is inadequate to meet the anticipated presence requirements in China. The Committee expects the Department to increase language training, as necessary.

Food and Agriculture Organization.—Within funding provided under this heading, the Committee expects the Department to support the costs of an independent, outside evaluation of the operations and performance of the Food and Agriculture Organization. The Department shall report to the Committee no later than March 31, 2005, on the results of this evaluation.

The Committee continues to urge the Department and the Administration to actively seek legislation to provide just and equi-

table compensation for all victims of international terrorism and their surviving family members.

The Committee has included language in the bill, similar to language in prior years, which: (1) permits not to exceed $4,000,000 to be transferred to the Emergencies in the Diplomatic and Consular Service account for emergency evacuations and terrorism rewards; (2) provides $1,426,000 in fees collected from other Executive Branch agencies and $490,000 from reserves for lease or use of facilities at the International Center Complex, as authorized by law; (3) provides not to exceed $15,000 from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with the State Department Basic Authorities Act of 1956; (4) requires notification of Congress before processing licenses for the export of satellites to China; and (5) makes not to exceed $6,000,000 in fee collections available until expended for various activities.

CAPITAL INVESTMENT FUND

The Committee recommends $100,000,000 for the Capital Investment Fund, which is $20,842,000 above the fiscal year 2004 level and $55,100,000 below the request.

In addition, the budget request estimates that $114,000,000 in expedited passport fees will be used to support the information technology modernization effort, for a total fiscal year 2005 spending availability of $214,000,000. In addition to the amounts provided under this heading, $40,000,000 is provided under the Diplomatic and Consular Programs account for the replacement cycle of information technologies, as in the current year.

The entire amount available under this heading, including fees, will support investments in new information technologies and infrastructure to improve the efficiency of Department operations.

The Committee recommendation provides the full requested amount of $32,500,000 for the State Messaging and Archive Retrieval Toolset (SMART) initiative. This project will integrate all Department systems through which people exchange information, including the outmoded telegram system. This single web-based system will also advance the goals of the Foreign Affairs Systems Integration project, which received funding in previous years, namely enhancing the ability of employees to communicate across agency and geographic boundaries. In addition, the recommendation includes $7,563,000 for public key infrastructure requirements, as requested, to help establish secure interagency communications.

OFFICE OF INSPECTOR GENERAL

The Committee recommends $30,435,000 for the Office of Inspector General (OIG), which is $935,000 below the fiscal year 2004 level and the same as the request. The Inspector General conducts oversight of the State Department and the Broadcasting Board of Governors. The Committee continues to highlight the requirement for OIG oversight of the Department's efforts to implement worldwide security upgrades.

The Committee recommendation includes language, as in previous years, waiving the statutory requirement that every post be inspected every five years, in order to provide greater flexibility to the Inspector General to use resources in the most critical areas.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The bill includes a total of $345,346,000 for the Educational and Cultural Exchange Programs of the Department of State. This amount is $28,713,000 above the fiscal year 2004 level, and the same as the budget request.

Funding provided under this heading supports international educational and cultural exchange programs, including the Fulbright student and scholar exchanges and the International Visitors Program, as well as related staff and administrative costs. To the maximum extent possible, the Committee urges that the following exchange programs be supported: the Congress-Bundestag youth exchange program; the disability exchange clearinghouse; foreign study grants for U.S. undergraduates; Muskie Graduate and Ph.D. Fellowships; Youth Exchange and Excellence Award programs; the Junior Faculty Development program; educational advising and counseling; citizen exchange programs; interparliamentary exchanges; youth science leadership exchanges; American overseas research centers; Mitchell Scholarships; and exchanges with Tibet, the South Pacific, and Timor Leste. Regarding the Congress-Bundestag Program, the Committee intends that the amount provided will support 380 exchanges in fiscal year 2005, the same level as in fiscal year 2004.

Regarding Fulbright exchanges with Tibet, the Committee expects that sufficient resources will be allocated to provide for 25 Tibetan scholars for the academic year. Regarding the International Visitors Program, the Committee expects the Department to allocate additional funding as necessary to include primary and secondary educators in the program under the Leaders in Education initiative. Regarding Citizen Exchanges, the Committee expects that increased resources will be allocated to the Traditional Public-Private Partnership grants in a sufficient amount to allow for the expansion of operations, programs, and alumni outreach. The Committee continues to support artistic and cultural exchange of persons programs as an important component of foreign policy. Within the levels provided, sufficient funds should be made available to continue such exchanges. Further, the Bureau of Educational and Cultural Affairs is expected to work with the Bureau of Consular Affairs to minimize unnecessary barriers or delays to legitimate travel to the United States for the purpose of such exchanges.

The Committee recommendation continues enhanced support for programs to engage Arab and Muslim audiences through educational and cultural exchanges as the highest programmatic priority under this account. The Committee expects the Department to allocate adequate funding to continue and expand Fulbright Exchanges (including American Studies), English Language Programs (including English Language Fellows), International Visitor programs, and Values/Religious Tolerance programs (including cultural exchanges) for these audiences. The Committee expects the Department to allocate fiscal year 2005 appropriations to the Near East and South Asia regions in percentages consistent with those used in fiscal year 2004.

The Committee expects that a proposal for the programmatic and geographic distribution of available resources (including unobligated balances and recoveries) will be submitted through the nor-

mal reprogramming process within 60 days from the date of enactment of this Act. The Committee expects that the overall funding distribution will conform to the programmatic and geographical guidance above.

The Committee supports exchange programs for foreign visitors and students on religious freedom, the relationship between religion and the state, and the role of religion in civil society. The Department of State is urged to expand existing religious freedom programs and consider new initiatives in its Educational and Cultural Exchange programs. The Department should consult with the U.S. Commission on International Religious Freedom on specific countries in regards to tailored programs for visitors and students from those countries.

The Committee recommendation includes a limitation of not to exceed $2,000,000 on the use of fees or other payments received from or in connection with English teaching, educational advising and counseling, and exchange visitor programs as authorized by law.

REPRESENTATION ALLOWANCES

The Committee recommends $8,640,000 for representation allowances authorized by section 905 of the Foreign Service Act of 1980. This amount is $265,000 below the amount available in fiscal year 2004 and the same as the budget request. These funds are used to reimburse Foreign Service Officers for expenditures incurred in their official capacities abroad in establishing and maintaining relations with officials of foreign governments and appropriate members of local communities. The Department shall submit a quarterly report to the Committee containing detailed information on the allotment and expenditure of this appropriation.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The Committee recommends a total of $9,894,000 for the Protection of Foreign Missions and Officials account. This is $294,000 above the budget request and the same amount available in fiscal year 2004.

This account reimburses local governments and communities for the extraordinary costs incurred in providing protection for international organizations, foreign missions and officials, and foreign dignitaries under certain circumstances. The Committee believes that local jurisdictions incurring such costs must submit a certified billing for such costs in accordance with program regulations. The Committee also believes that, in those instances where a local jurisdiction will realize a financial benefit from a visit by a foreign dignitary through increased tax revenues, such circumstances should be taken into account by the Department in assessing the need for reimbursement under this program. The Committee expects the Department to treat such submissions diligently and provide reimbursement to local jurisdictions on a timely basis if claims are fully justified.

The Committee is aware of concerns regarding the level of reimbursement for protection expenses in light of heightened security measures since September 11, 2001. The Committee directs the Department to report to the Committee within 30 days of the enactment of this Act on the amount of valid outstanding reimburse-

ment claims; the availability of appropriated funds to pay such claims, including balances of prior year supplemental appropriations; and how the Department intends to budget for such needs in future years.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The Committee recommends a total appropriation of $1,524,000,000 for Embassy Security, Construction, and Maintenance. This amount is $147,242,000 above the amount available in fiscal year 2004 (excluding supplemental appropriations) and $15,000,000 below the budget request. The recommendation designates $912,320,000 as available only for priority worldwide security upgrades, acquisition, and construction, the full amount requested for such activities. The recommendation includes $611,680,000 for non-security related costs, which is $87,257,000 above fiscal year 2004 and $15,000,000 below the budget request.

This account provides funds to manage U.S. Government real property overseas and maintain Government-owned and long-term leased properties at approximately 260 posts, and to lease office and functional facilities and residential units, not only for the Department of State, but for all U.S. employees overseas.

Worldwide Security Upgrades.—The Committee recommendation includes $912,320,000 for security projects, the full amount requested and an increase of $59,985,000 over fiscal year 2004, to continue the capital security program of constructing new secure replacement facilities for the Department's most vulnerable embassies and consulates and providing additional security measures and upgrades. The Committee expects that projects undertaken under this program will address the highest priority facilities from a security standpoint. In previous fiscal years, the Department has proposed to reprogram funds under this activity for projects that do not address top priority security vulnerabilities and for projects that will not result, when complete, in a facility that meets existing security standards. The Committee expects that worldwide security funds will be used only for projects that meet these specifications. The Committee recommendation will support the construction of seven new embassy compounds, two annex buildings, four United States Agency for International Development (USAID) buildings on secure embassy compounds, and the acquisition of a number of secure sites for future embassy compound construction. The Committee notes that funding for USAID facilities will be supported in fiscal year 2005 by USAID contributions through the Capital Security Cost Sharing Program, which is discussed in more detail below.

The Committee recommendation also includes $100,000,000, the amount requested and $15,894,000 above the current year level, to continue the compound security upgrade program. The Committee understands that this program includes the installation of forced entry/ballistic resistant roof hatches, vault doors and power-assisted vehicle barriers, and other similar measures. The Committee expects that this funding will also provide physical security improvements to residential compounds.

The Committee expects that a proposed spending plan for the entire amount of available resources for worldwide security upgrades will be submitted through the normal reprogramming process with-

in 60 days of the date of enactment of this Act. The Committee expects the Department to notify it immediately if there are any facilities that the Department believes face serious security risks.

The recommendation includes language, similar to the request, establishing the Capital Security Cost Sharing Program. Under this program, all agencies that have staff overseas under Chief of Mission authority will pay a fair share of urgent, security-driven capital projects undertaken to replace embassies and consulates at the most vulnerable posts. The goals of this program are twofold. First, the program will accelerate the replacement of unsafe, unsecured and outdated diplomatic facilities that are used overseas by U.S. Government agencies. This is planned as a 14-year, $17,500,000,000 program to replace 150 vulnerable embassy and consulate facilities with new compounds that fully comply with statutory security requirements. Second, the program will create incentives within all government departments and agencies to scrutinize and "right-size" their overseas presence to avoid unnecessary costs and security risks. Each agency with staff overseas under Chief of Mission authority has, built into their fiscal year 2005 budget request, an annual contribution towards construction of new secure diplomatic facilities based on the number of positions overseas and the type of space occupied. These contributions do not take the place of State Department contributions, which are also growing, but create a larger, shared funding pool to accelerate replacement. In fiscal year 2004, the Committee funded the "virtual" costs of the program by including an increase of $120,000,000 to State Department appropriations.

The recommendation assumes a total program level of $869,020,000 in fiscal year 2005 for Capital Security Construction, including $785,320,000 under this account. The total amount includes a continuing State Department base appropriation of $622,720,000. The additional amount generated by the Capital Security Cost Sharing program is $246,300,000; which consists of $162,600,000 from the State Department that is included in the recommendation under this account, and $83,700,000 from non-State agencies, based on positions worldwide. The Committee understands that there is an anticipated five-year phase-in period for the program, wherein the total Government-wide amount grows from $869,020,000 in fiscal year 2005 to $1,400,000,000, then remains at that level for the next 9 years. The Committee further understands that the program will include agency involvement in setting priorities and in other aspects of the development of new embassy compounds. The Committee believes that the establishment of strong interagency coordination and cooperation will be critical to achievement of program goals and encourages the Department and the Administration to ensure that the management of this program is inclusive, cooperative and transparent.

The Committee recommendation provides $604,880,000 for operations and maintenance activities, which is $15,000,0000 below the request. The Committee notes that the requested amount included $76,729,000 in program increases. The Committee recommendation also includes $6,800,000 for headquarters operations. The Committee directs the Department to prioritize requested funding increases and to specifically identify amounts above current services

in a comprehensive spending plan to be submitted no later than 60 days after enactment of this Act.

Assets Management.—The budget request designates $100,049,000 in assets management funds planned for obligation in fiscal year 2005. The Committee expects that these funds will be used for opportunity purchases to replace uneconomical leases and for other priority capital acquisition purposes. The Committee understands there are additional requirements for projects in Brussels, Belgium, and Rome, Italy. In addition, as in previous years, the Committee expects that assets management funds will continue to be allocated in part to security construction needs. Any use of these or additional assets management funds in fiscal year 2005 is subject to reprogramming. In addition, with respect to the requirement that a reprogramming for any major new start be submitted, the Committee understands that requirement to mean that any rehabilitation or construction projects involving an ambassador's residence will be subject to the requirement. In addition to regular reporting provided to the Committee on acquisition and disposal of overseas property, the Department shall submit a report to the Committee by November 11, 2004, listing all properties disposed of, or in process for disposal, along with associated actual or anticipated proceeds of sale, at posts which have had funding approved for the construction of a new secure compound in, or after, fiscal year 1999.

The recommendation continues language carried in the bill in previous years that prohibits funds from being used for acquisition of furniture and furnishings and generators for other departments and agencies.

Right-Sizing the U.S. Government Overseas Presence.—The Committee directs the Office of Overseas Buildings Operation (OBO) to work closely with the Office on Right-Sizing the U.S. Government Overseas Presence to ensure that projected staffing levels for new embassy compounds are prepared in a disciplined and realistic manner and that these estimates become a basis for determining the size, configuration and budget of new embassy compound construction projects. The justification for all facilities projects funded under this account must include a full explanation of regional efficiency and security planning, and related staffing assumptions. Such projects will not be approved for funding absent evidence of the application of a uniform right-sizing methodology.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The Committee recommends $7,000,000 to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service. This amount is $6,011,000 above the fiscal year 2004 appropriation and the same as the budget request. In addition, the Committee expects significant carryover balances to be available for obligation in fiscal year 2005. Funding provided in this account is available until expended.

The recommendation includes language as a general provision in title IV to increase the maximum amount of counter-terrorism rewards that are paid from amounts under this heading.

The Committee has included a provision in the bill that permits up to $1,000,000 to be transferred from this account to the Repatriation Loans Program account, as requested in the budget. This pro-

vision will ensure an adequate level of resources for loans to American citizens through the Repatriation Loans Program account should that account require additional funds in fiscal year 2005 due to an unanticipated increase in the number of loans.

This appropriation provides resources for the Department of State to meet emergency requirements in the conduct of foreign affairs. The Committee recommendation provides funds for: (1) travel and subsistence expenses for relocation of American employees of the United States Government and their families from troubled areas to the United States and/or safe-haven posts; (2) allowances granted to State Department employees and their dependents evacuated to the United States for the convenience of the Government; and (3) payment of rewards for information concerning terrorist activities.

REPATRIATION LOANS PROGRAM ACCOUNT

The Committee recommendation includes $612,000 for the subsidy cost of repatriation loans and $607,000 for administrative costs of the program as authorized by 22 U.S.C. 2671, which is $14,000 above the amount available in fiscal year 2004 and the same as the budget request.

This account provides emergency loans to assist destitute Americans abroad who have no other source of funds to return to the United States.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The Committee recommends $19,482,000 for the appropriation entitled "Payment to the American Institute in Taiwan". This amount is $897,000 above the fiscal year 2004 level and the same as the request. The recommendation provides for the Institute's pay and inflationary base adjustments. In addition, the Institute is authorized to collect Machine Readable Visa fees, as well as reimbursements from agencies and user fees from trade show exhibitors.

The Committee expects that the American Institute in Taiwan (AIT) will cover anticipated operating expenses in fiscal year 2005 through a combination of appropriations and visa fee revenues. The Committee expects the Department to submit by November 1, 2004, an AIT spending plan for fiscal year 2005, indicating the total amount of estimated fee collections, the amount of such fee collections allocated for operating expenses, and the total amount planned for operating expenses from all funding sources.

The Taiwan Relations Act requires that programs concerning Taiwan be carried out by the American Institute in Taiwan and authorizes funds to be appropriated to the Secretary of State to carry out the provisions of the Act. The Institute administers programs in the areas of economic and commercial services, cultural affairs, travel services, and logistics. The Department of State contracts with the American Institute in Taiwan to carry out these activities.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The Committee recommends $132,600,000 for the appropriation entitled "Payment to the Foreign Service Retirement and Disability

Fund". This amount is the full budget request and $2,379,000 below the amount appropriated for fiscal year 2004. The amount provided in the Committee recommendation is required to amortize the unfunded liability in the system, as documented by the annual evaluation of Fund balances.

This appropriation, which is considered mandatory for budget scorekeeping purposes, is authorized by the Foreign Service Act of 1980, which provides for an appropriation to the Fund in 30 equal annual installments of the amount required for the unfunded liability created by new benefits, new groups of beneficiaries, or increased salaries on which benefits are computed. The Retirement Fund is maintained through contributions by participants, matching government contributions, special government contributions (including this account), interest on investments, and voluntary contributions.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The recommendation includes a total of $1,194,210,000 for payment of obligations of United States membership in international organizations as authorized by conventions, treaties, or specific Acts of Congress for fiscal year 2005. This amount is $194,380,000 above the amount available in fiscal year 2004 and the same as the request.

The amount provided in the bill is intended to cover anticipated assessments for membership in international organizations, including the United Nations (UN). In addition, the amount provides full funding for anticipated assessments for membership in the North Atlantic Treaty Organization and the related North Atlantic Assembly, International War Crimes Tribunals for Rwanda and the former Yugoslavia, the Organization of American States, the International Atomic Energy Agency, and the Pan American Health Organization.

Estimates of the amount required to cover fiscal year 2005 assessments have varied based on the most recent foreign currency exchange rates for the dollar, which has fluctuated since the budget request was formulated. The Committee expects that these exchange rate fluctuations may result in losses. The Department may propose to offset these by transfers from other accounts, or deferring some activities included in the request that do not require funding in fiscal year 2005.

Reassessment of U.S. Membership in International Organizations.—The Committee notes, with approval, the Department's actions to formally withdraw from certain international organizations where continued U.S. participation was determined to be a low priority in the context of overall U.S. national interests. The Committee continues to support the comprehensive reassessment of U.S. membership in each of the 44 international organizations for which funding is requested under this account, and to insist that the Department take the necessary measures to operate within the amount of funds provided under this account.

The Committee expects the Department to take immediate action to evaluate and prioritize United States participation in, and funding for, international organizations. In a climate of limited re-

sources the Committee continues to insist that the Department live within appropriated amounts, prioritize as necessary among commissions according to policy goals, take steps as necessary to withdraw from lower priority organizations, and refrain from entering into new commitments.

Reform and Budget Discipline.—The Committee continues to insist on reform and budget discipline as a priority for all of the international organizations, including the development of processes to evaluate, prioritize and terminate programs. The Committee believes that the onus is on each international organization and the State Department representatives to those organizations to reduce overall budgets and eliminate duplicative activities, excessive administrative costs, and inefficient operations.

United Nations Regular Budget.—The recommendation assumes full payment of the anticipated U.S. assessment to the UN regular budget. This assessment is estimated at $362,193,000 for calendar year 2004, an increase of $21,377,000, or 6.3 percent, over the calendar year 2003 assessment.

The Committee notes the importance of the UN in promoting health, providing humanitarian assistance, fostering conflict resolution, and providing an international forum for world issues. However, the Committee is concerned by recent developments in a number of areas. The Committee notes that the United Nation's Oil for Food program in Iraq is marred by allegations of corruption—that it aided or abetted a tyrannical regime and undermined the international community's good will. Further, the Committee urges the UN to do more to mitigate or resolve the conflicts and humanitarian crises in Sudan—where war has ravaged the country for decades at the cost of millions of lives. Finally, the United Nations' leadership and legitimacy are tarnished by continued failure to bring to justice those individuals involved in improper and illegal activities of individuals financed by the United Nations, such as UN peacekeepers and civilian personnel alleged to have been involved in sexual abuse of minors.

United Nations Oil-For-Food Program.—The Committee directs the Department to bring all necessary resources to bear on the investigation of fraud and bribery allegations regarding the United Nations Oil-For-Food Program. The Committee expects the Department to provide all requested documentation to Congressional Committees, and to provide any requested support to the Secretary General's Independent Inquiry Committee. The Committee strongly supports this Inquiry and expects the Inquiry Committee's review to be thorough, rigorous, and expeditious.

North Atlantic Treaty Organization (NATO).—The Committee recommendation provides the full amount requested for the United States assessment for NATO. To date, the Committee has appropriated $35,000,000 for the NATO Headquarters project. The Committee understands the current cost estimates for the project have more than doubled since the Committee was initially briefed on total project costs. The President's Fiscal Year 2005 request does not include an annual installment for the NATO Headquarters project, nor does the recommendation include such an installment. The Committee expects the Department and the U.S. delegation to work to set limits on the funding and scope of the project and on the total U.S. contribution towards this project prior to providing

any funding for this purpose. The Committee expects the facility to meet the necessary security requirements. The Department shall keep the Committee apprised of progress on this matter.

Organization for Economic Cooperation and Development (OECD).—The Committee recommendation includes full funding as requested for the U.S. assessment for OECD in fiscal year 2005. The Committee has appropriated $26,643,000 for the OECD building renovation through 2004, and includes the dollar equivalent of 10,857,000 Euros for the calendar year 2005 assessment for the building project. The Committee expects the U.S. total contribution to this project to be no more than 75,000,000 Euros, as the OECD council was informed. The Committee notes that, unlike prior years, no funding is included in the fiscal year 2005 request, or in the recommendation, for the OECD Pension Capitalization Fund due to financial concerns with the fund. The Committee expects to be briefed on these concerns and the impact on personnel.

International Atomic Energy Agency (IAEA).—The Committee understands that the IAEA General Conference has adopted a significant budget increase, to be phased in over four years, which would increase the overall budget by $25,000,000. This increase is primarily attributed to increased costs of strengthening safeguards and the physical protection of nuclear material and nuclear facilities. The Committee recommendation includes full requested funding for the IAEA in fiscal year 2005.

Pan American Health Organization (PAHO).—The Committee continues to support the work done by the Pan American Health Organization (PAHO). PAHO has taken the lead in health issues, including border health concerns, emerging diseases, and bio-terrorism, that have an impact on citizens of the United States and all citizens of the Americas. The outbreak of the SARS virus and the treatment of similar diseases highlight the importance of PAHO to the United States. The Committee recommendation includes full requested funding for the U.S. assessment for PAHO in fiscal year 2005.

Other Issues.—The Committee strongly supports the United States policy of zero nominal growth budgets for international organizations. Toward this end, the Committee expects the Department to insist on the evaluation and prioritization of ongoing UN programs and activities, so that in the event of unanticipated requirements budget offsets may be taken from activities and programs that have already been determined to be lower-priority by the organization. The Committee notes additional requirements relating to Iraq, Afghanistan and security-related costs are expected. However, the Committee continues its direction to find appropriate offsets for such increases. Any proposal to exceed the adopted biennial budget level of $3,160,860,300 should be communicated to the Committee in advance of the formal notification, consideration, and adoption of such a proposal. The Committee strongly urges the Secretary to notify the Committee in advance of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget.

The Committee recommendation includes $6,000,000 that may be used for the costs of a direct loan to the United Nations for the cost of renovating its headquarters in New York, as proposed in the

budget request. This amount would subsidize total loan principal of up to $1,200,000,000. The Committee continues to support close coordination and oversight of this plan by the U.S. Government interagency task force funded under the Diplomatic and Consular Programs account.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The Committee recommendation includes $650,000,000 for United States payments for Contributions for International Peacekeeping Activities for fiscal year 2005, the amount requested in the budget and $199,944,000 above the fiscal year 2004 level, excluding supplemental amounts.

The Committee is deeply concerned by recent events in the Democratic Republic of the Congo, as well as by allegations of sex abuse of minors by UN peacekeepers and civilian personnel of the mission. Further, the Committee is convinced that clear, realistic benchmarks must be established and enforced for the performance of MONUC. The Committee expects the Department to re-evaluate the mandate for this mission and inform the Committee about options for future action.

The Committee remains concerned that the United States has voted in the United Nations Security Council to establish five new peacekeeping missions (Haiti, Burundi, Sudan, Cyprus, and Ivory Coast) without presenting the Committee with a viable plan to meet the current and future costs of such commitments. All but the Cyprus mission were approved by the Security Council and are underway and incurring costs. In this regard, the Committee anticipates that the fiscal year 2005 request and recommendation may be inadequate to pay anticipated UN assessments payable in 2005. The Secretary of State testified before the Committee that in such an instance the Administration would request supplemental appropriations for this purpose. The Committee expects that such a supplemental appropriation request would provide for the full amount of UN peacekeeping assessments.

The Committee is concerned about the continuing lack of progress in resolving the dispute over the Western Sahara, despite an enormous investment of funds in the U.N. Mission for the Referendum in Western Sahara (MINURSO) peacekeeping mission. The Committee urges the Department to work to encourage a negotiated settlement to the dispute and bring to an end the costly UN peacekeeping presence associated with a referendum settlement program that has failed to materialize over the past decade and that the Secretary General and his Personal Envoy abandoned as unworkable two years ago.

The establishment of several large, complex missions over the past few years has tested the capacity of the UN to plan and manage such operations successfully. The Brahimi report addressed many deficiencies in UN peacekeeping efforts, including problems in doctrine, strategy, decision-making, planning, deployment, support and information technology. The Committee continues to support efforts to improve the performance and efficiency of UN peacekeeping missions through structural and procedural reforms. The Committee also supports efforts to better limit and focus the goals of such missions, and to set specific benchmarks for performance and mission termination.

The Committee continues to support the efforts of the UN's Office of Internal Oversight Services (OIOS) to identify waste, fraud and abuse, including sexual abuse, in peacekeeping operations, and to recommend specific reforms to ensure that such practices are brought to an end. The Committee directs the Department to provide the necessary support to ensure that OIOS oversight is systematically brought to bear on every UN peacekeeping mission, including through the presence of resident auditors. The Committee directs the Department to request a performance report on the efforts of this Office to root out the causes of such waste, fraud and abuse.

The bill retains language carried in previous years requiring 15–day advance notice of any new or expanded mission, together with a statement of cost, duration, exit strategy, vital national interest, and source of funds to pay the cost. The bill also retains language requiring certification that American manufacturers and suppliers are provided equal procurement opportunities, and language prohibiting the use of funds under this account for the costs of court monitoring. The bill does not include requested language to make a portion of appropriations under this account available for two fiscal years.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

The bill includes a total of $31,275,000 for the International Boundary and Water Commission, United States and Mexico (IBWC). This amount is $2,036,000 above the amount available in fiscal year 2004 and $7,570,000 below the total budget request for fiscal year 2005. The total amount provided includes $26,800,000 for Salaries and Expenses and $4,475,000 for construction. The recommendation includes language authorizing not to exceed $6,000 for representation expenses.

SALARIES AND EXPENSES

The Committee recommendation for the Salaries and Expenses account is $26,800,000, which is $1,074,000 above the amount available in fiscal year 2004 and $3,500,000 below the budget request. The amount recommended by the Committee provides additional resources for requested wage and price increases. The recommendation does not include requested program increases. The Committee notes that fluctuations in the Commission's operations and maintenance budgets can result in unanticipated cost savings. Should the Commission experience such savings, the Commission will have the ability to propose, through the section 605 reprogramming process, the use of surplus funds for items not included in the Committee recommendation.

CONSTRUCTION

The Committee recommendation for IBWC construction provides $4,475,000, which is $962,000 above the amount available in fiscal year 2004 and $4,070,000 below the budget request.

The recommendation provides funding for ongoing projects as follows: Boundary-wide construction—$1,126,000; Water Quantity

Program—$2,350,000; and Water Quality Program—$988,000. The Committee expects that significant carryover funding may be available to supplement fiscal year 2005 appropriations. Any allocation of funding, including carryover funding, shall be subject to reprogramming procedures set forth in section 605 of this Act.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The Committee recommends a total of $9,356,000 to fund the U.S. share of expenses of the International Boundary Commission, the International Joint Commission, United States and Canada, and the Border Environment Cooperation Commission for fiscal year 2005. This amount is $507,000 above the amount available in fiscal year 2004 and $1,400,000 below the budget request, and includes $1,210,000 for the International Boundary Commission, $6,098,000 for the International Joint Commission and $2,048,000 for the Border Environment Cooperation Commission. The recommended funding level for the International Joint Commission includes $1,019,000 for final year costs of a five-year study of the water regulation plan governing Lake Ontario and the St. Lawrence River.

INTERNATIONAL FISHERIES COMMISSIONS

The Committee recommends a total of $19,097,000 to fund the U.S. share of the expenses of international fisheries commissions or related organizations, as well as the travel expenses of the United States commissioners. This amount is the same as the amount available in fiscal year 2004 and $1,703,000 below the budget request.

The Committee recommendation includes $2,100,000 for the Inter-American Tropical Tuna Commission, $12,119,000 for the Great Lakes Fishery Commission (GLFC), and $165,000 for the International Commission for the Conservation of Atlantic Tuna. The Committee further expects the Great Lakes Fishery Commission to coordinate its efforts with other agencies with regard to the threat posed by the introduction of Asian carp into the Great Lakes. Remaining amounts under this heading may be allocated on a priority basis to other international commissions, subject to the reprogramming guidelines contained in section 605 of this Act.

The Committee expects the Department to take immediate action to evaluate and prioritize United States participation in, and funding for, international fisheries commissions. In a climate of limited resources the Committee continues to insist that the Department live within appropriated amounts, prioritize as necessary among commissions according to policy goals, take steps as necessary to withdraw from lower priority commissions, and refrain from entering into new commitments.

The Committee directs the Department to submit a proposed spending plan for the total amount provided under this heading no later than 60 days after the enactment of this Act.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The Committee recommends an appropriation of $13,000,000 for payment to the Asia Foundation for fiscal year 2005, which is

$136,000 above the amount available in fiscal year 2004 and $4,120,000 above the budget request. The Committee recommendation continues the increased funding provided in fiscal year 2004 for enhanced Foundation programs on human rights, higher education, democratic governance, ethnic harmony, religious tolerance and legal/judicial reform in Afghanistan, Pakistan and Indonesia. Further, the Committee supports the efforts of Foundation programs in Cambodia.

The Asia Foundation is a private, nonprofit institution, established to stimulate Asian democratic development and assist the peoples of Asian countries to shape their own destinies.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

The Committee recommends an appropriation for fiscal year 2005 of interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund, expected to total $500,000. The Committee recognizes the important and unique role of Eisenhower Exchange Fellowships in the U.S. Government's worldwide public diplomacy effort. The Committee has urged the Eisenhower Exchange Fellowships, Incorporated (EEF) to fashion its exchange programs to reflect the priority within all public diplomacy programs of building mutual understanding with Arab and Muslim populations worldwide. In this regard, the Committee continues to expect that the selection of foreign and United States fellows will reflect this priority. In addition, the Committee supports a nationwide, merit-based recruitment and selection process for United States Fellows. The Committee expects EEF and the Department to submit a report to the Committee by November 30, 2004, describing its achievements in these areas.

The Eisenhower Exchange Fellowship Act of 1990 authorized a permanent endowment for the Eisenhower Exchange Fellowship Program to increase educational opportunities for young leaders in preparation for and enhancement of their professional careers and to advance peace through international understanding. The Act established the Eisenhower Exchange Fellowship Program Trust Fund in the United States Treasury for these purposes. A total of $7,500,000 has been provided to establish a permanent endowment for the program, from which the appropriation of interest and earnings is provided to Eisenhower Exchange Fellowships, Incorporated.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The Committee recommends language in the accompanying bill that will appropriate for fiscal year 2005 interest and earnings of the Israeli Arab Scholarship Endowment Fund, expected to total $375,000. A permanent endowment of $4,978,500 for the Fund was established in fiscal year 1992 with funds made available to the United States Information Agency under section 556(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, as amended. The income from the endowment is to be used for a program of scholarships for Israeli Arabs to attend institutions of higher education in the United States.

EAST-WEST CENTER

The Committee recommendation includes $5,000,000 for this account, $12,692,000 below the current year, and $8,709,000 below the request.

The Committee recommendation provides for phasing out the direct sole-source grant from the Federal government. The Committee notes that the Center can solicit contributions and can compete for other Federal grants to support its research and training activities. The Center started receiving a direct grant from the Federal government in fiscal year 1961.

NATIONAL ENDOWMENT FOR DEMOCRACY

The Committee recommends $51,000,000 for the National Endowment for Democracy (NED) for fiscal year 2005, $11,421,000 above the amount provided in fiscal year 2004 and $29,000,000 below the budget request. The Committee recommendation includes increased funding in fiscal year 2005 for enhanced Endowment grant programs to build and strengthen democratic institutions in the Muslim world, including $5,000,000 for Afghanistan, $3,000,000 for Pakistan, and $2,000,000 for Egypt. The Committee recommendation also continues funding for grants to foster Africa's dynamic democracy movements, including groups in Sudan and the Democratic Republic of Congo.

The Committee recommendation includes $1,000,000 for a grant to support the creation of a Fern L. Holland Democracy Institute in Africa. This institute shall serve as a resource for democracy and rule of law training, and will provide an educational foundation upon which conflict prevention, freedom and respect for fundamental human rights can be achieved in African nations.

The Committee remains concerned that there continues to be a serious lack of effectiveness and cohesion among the groups advocating for awareness and action on behalf of the victims of human rights abuses and the persecuted. The Committee directs that up to $500,000 be made available for programs designed specifically to promote basic human rights of ethnic minorities, including their right to maintain and exercise their culture, religion, and language free from discrimination. The Committee expects NED to keep the Committee apprised of progress on this effort.

The Committee reaffirms the role that NED plays in strengthening democratic institutions around the world. Any perception that funds are used to directly support a particular party or candidate, or to support the removal of elected leaders through unconstitutional means, undermines the credibility and effectiveness of NED programs. The Committee expects NED to take all necessary measures to ensure that all sponsored activities adhere to the core NED principles. The Committee directs NED to provide the Committee with a comprehensive report on its activities in Venezuela from fiscal year 2001 through the present, by December 15, 2004.

The NED is a private, non-profit corporation established to encourage and strengthen the development of democratic institutions and processes internationally through private-sector initiatives, training, and other activities, including those which promote pluralism, democratic governance, civic education, human rights, and respect for the rule of law. The NED provides funding for projects

which are determined to be in the national interest of the United States and which are administered by private organizations and groups.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

The Committee recommendation includes $610,300,000 for the Broadcasting Board of Governors, $41,000,000 above the request and $18,733,000 above the fiscal year 2004 level, including supplemental appropriations. The appropriation accounts under this heading provide operational funding for the United States non-military, international broadcasting programs—including the Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA), Radio and Television Marti, Middle East Television, including Radio Sawa—and the associated facilities, engineering and support activities.

INTERNATIONAL BROADCASTING OPERATIONS

The Committee recommendation includes $601,740,000 to carry out United States International Broadcasting Operations for fiscal year 2005, which is an increase of $21,448,000 above the fiscal year 2004 level, including supplemental amounts, and $41,000,000 above the comparable request. This account funds the operating and engineering costs of Voice of America (VOA), Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA), and the Broadcasting Board of Governors (BBG). The recommendation includes funding for Broadcasting to Cuba under this account. In the request, this funding was proposed under a separate account. The Committee recommendation provides the full request for all entities funded under this account, including funding to continue the Middle East Television Network initiative. The request includes $15,700,000 for programmatic and transmission activities proposed for elimination. The Committee adopts $1,900,000 in proposed reductions relating to administrative or transmission activities, which do not result in broadcast programming reductions. As directed in previous years, all communications with the Committee on the part of the various broadcasting entities shall be coordinated through the Broadcasting Board of Governors.

Arabic Broadcasting.—The United States continues to face an enormous challenge to provide the people of Arab and Muslim countries with accurate information about U.S. policies and values. The Committee continues to support efforts to expand the audience of listeners and viewers in the Arab and Muslim world. The Committee recommendation includes $64,969,000 for television and radio broadcasting in Arabic, including Middle East Television and Radio Sawa. This amount represents an increase of $20,200,000 above the request. The Committee provided initial start-up costs for a television program stream specifically tailored for the Iraqi audience in Public Law 108–106. The Committee understands that the budget request does not include adequate funding to continue this stream throughout fiscal year 2005. The Committee expects that funding provided in this Act will only partially cover such requirements. Therefore, the Committee directs the BBG to provide a report to the Committee detailing cost requirements for full year

operation of the Iraq television broadcasting stream. The Committee expects this report to be delivered to the Committee no later than August 30, 2004. The Committee directs the BBG to provide quarterly status reports detailing the progress of this effort. Developing quality news and entertainment programs in the Arabic language should to the maximum extent possible involve the creative talents of the private and not-for-profit sectors. The Committee continues its direction to the Board to integrate new approaches in developing programming, to more effectively engage key audiences.

Africa Broadcasting.—The Committee continues to support the creative efforts of VOA broadcasting to the continent of Africa. The Committee notes that forty-five percent of VOA's listenership is in Africa and expects VOA to create radio formats to ensure information is available to young audiences. Nearly 45 million listeners have access to VOA's objective, balanced and accurate news. VOA fills the information void with daily targeted and credible coverage of sub-Saharan Africa often not available from any other media. The Committee supports the use of radio broadcasts as a component of sustained HIV/AIDS prevention efforts undertaken by many African governments, African countries, humanitarian organizations, and U.S. assistance programs. VOA's Africa Division continues to incorporate thousands of broadcasts about HIV/AIDS into its regular programming for broadcasting to Africa. The Division receives approximately 10,000 letters a month from a continent with often unreliable and expensive mail systems, a clear indication of the impact VOA has on the audience.

Language Service Review and Research.—The Committee continues to support the Board's efforts to objectively and systematically review and evaluate the performance, results, and priority of every U.S. Government-sponsored international broadcasting language service and to propose corresponding reallocations of funds. The Committee endorses this process as a means to improve broadcast quality and meet emerging program priorities within limited resources. The Committee expects that the Board will establish comprehensive performance measures and improve coordination of programming streams across component organizations, including the grantee organizations. The Committee continues to direct the Board to ensure that foreign policy implications are given full consideration before adopting language service review recommendations. The Committee expects the Board to submit a comprehensive report on Language Service Review results and corresponding reallocations of funds, as appropriate. The Committee anticipates that the continuing language service review effort will result in the dedication of additional resources to emerging priority programs, through the normal reprogramming process.

Anti-jamming efforts.—The Committee continues to support initiatives by the BBG to defeat jamming and reach a wider audience for Radio Free Asia and Voice of America broadcasts to China, Tibet, Vietnam, and North Korea. The Committee is aware that new technologies may allow the VOA and RFA to more effectively defeat jamming efforts. The Committee encourages the Board to evaluate the usefulness of these technologies. The Committee expects the BBG to continue such efforts in fiscal year 2005.

The Committee remains concerned about a potential blurring of the distinction between the international broadcasting conducted

by the Broadcasting Board of Governors and that conducted by the Defense Department. While the Committee continues to strongly support all necessary efforts to provide for national security, close collaboration with the Defense Department may foster misunderstanding among foreign audiences as to the principles and goals of BBG broadcasting. Within sixty days of enactment of this Act, the BBG shall report fully to the Committee on the nature and duration of any cooperative efforts with the Defense Department over the last year. In addition, the BBG shall notify Congress in writing of any projects or programs to be undertaken with the Defense Department within seven days of the beginning of such activities. Both reports should include a description of services provided and any financial arrangements between the entities.

The Committee recommendation includes funding for the principal broadcasting entities as follows:

Voice of America.—The Committee recommendation provides $160,790,000 for VOA, including an increase of $4,786,000 above the request. The recommendation provides programmatic increases to expand and reformat Urdu broadcasting into Pakistan, and Persian into Iran. Further, the recommendation includes $19,614,000, the full request, for the News Division. The Committee strongly supports increased broadcasting efforts, as proposed in the budget, to East Asia, including all languages to China.

Radio Free Europe/Radio Liberty.—The Committee recommendation provides $77,651,000 for RFE/RL, including an increase of $4,214,000 above the request, including funds for additional broadcasting in Russian and Ukrainian. The Committee recommendation restores the proposed reductions to the news and current affairs service, broadcasts to Iraq, and broadcasts in Belarusian and Romanian. The Committee continues to support programming efforts in Persian, Tajik, Uzbek, Turkmen, Arabic, Kazakh, Kyrgyz, Albanian, and Azeri. The Committee commends RFE/RL for developing programming in Avar, Chechen, and Circassian, and for expanding broadcasting to the Northern Caucasus. The Committee recognizes the continuing importance of broadcasting objective, uncensored information to the isolated minorities of the Northern Caucasus in their native languages.

RFE/RL headquarters.—The Committee supports the efforts of the Administration to take necessary measures to ensure the safety of all broadcasting employees. The Committee recommendation includes funding, as requested, regarding security measures associated with the RFE/RL headquarters facility in Prague, the Czech Republic.

Broadcasting to Cuba.—The Committee recommendation includes $27,629,000 for radio and television broadcasting to Cuba, which is the same as the request.

Radio Free Asia.—The Committee recommendation includes $29,585,000 for RFA, $200,000 above the request. The Committee recommendation does not include the proposed reduction in Cantonese programming. The Committee strongly supports ongoing broadcasting efforts to China, Tibet, Burma, Vietnam, North Korea, Laos, and Cambodia.

The recommendation includes funding for RFA to continue daily Uyghur broadcasts.

The Committee encourages the Board to increase the number of broadcast hours of both the VOA and the RFA Korean and Cantonese services. The Committee expects the BBG to reprogram funds, if necessary, to achieve these increases.

The Committee urges the Broadcasting Board of Governors to focus programming on the promotion of religious freedom and human rights. The BBG should work with the U.S. Commission on International Religious Freedom on the scope and content of programming that will instruct and inform on the merits of religious freedom as part of a civil society.

BROADCASTING CAPITAL IMPROVEMENTS

The Committee recommendation includes $8,560,000 in new budget authority for broadcasting capital improvements, $2,715,000 below the current year level and the same amount as the request. The recommendation will provide for the continuation of base costs for maintenance, improvements, replacements and repairs, digital production capability development, and security upgrades at transmitting stations overseas.

The Board shall continue to keep the Committees informed on the status of its efforts to acquire additional transmission capabilities in the Middle East. The Committee does not support the proposal in the budget to re-direct funds provided in Public Law 107–38 for the purpose of acquiring transmission capabilities in Egypt to offset requirements in the operations account. The Committee encourages the BBG's continuing efforts to acquire this capability and the recommendation includes funding for this purpose. The BBG shall report to the Committee on the progress of these efforts.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

The Committee recommends the following general provisions for the Department of State, similar to provisions that were included in the fiscal year 2004 Appropriations Act:

Section 401 of the bill permits funds appropriated in this Act for the Department of State to be available for allowances and differentials as authorized by subchapter 59 of Title 5 of the United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 5 U.S.C. 1343(b).

Section 402 of the bill permits up to five percent of any State Department appropriation to be transferred to another State Department appropriation, but no program can be increased by more than ten percent, and provides the same authority to Broadcasting Board of Governors programs. In addition, the language provides that any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 605 of the accompanying bill and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Section 403 of the bill prohibits the use of funds by the Department of State or the Broadcasting Board of Governors to provide assistance to the Palestinian Broadcasting Corporation.

Section 404 of the bill clarifies the responsibilities of the Senior Policy Operating Group on Trafficking in Persons. The Committee understands that the Operating Group has been actively meeting

and performing its designated functions since enactment of Section 406 of division B of Public Law 108–7. The Committee expects that all anti-trafficking policies, grants and grant policies shall be covered by the provisions of Section 406 of division B of Public Law 108–7. The recommendation also includes language clarifying that the Senior Policy Operating Group and its chairman are the coordinating body (and official) accountable for federal anti-trafficking policies, grants and grant policies. The language also makes clear that the coordinating responsibilities of the Operating Group are not intended to supercede the decision-making authority of the constituent members of the Task Force to Monitor and Combat Trafficking in Persons, to whom Operating Group members continue to report. The Operating Group is, and was intended to serve as, the forum for interagency coordination of anti-trafficking policies, even as final decisions regarding any such policies are necessarily vested with the President and the senior officials who comprise the Task Force. The Committee understands that the Senior Operating Group and its chair have successfully performed the coordinating functions assigned to them.

Section 405 of the bill includes new language concerning the Department's counterterrorism rewards program.

TITLE V—RELATED AGENCIES

ANTITRUST MODERNIZATION COMMISSION

SALARIES AND EXPENSES

The recommendation provides $1,200,000 for the Antitrust Modernization Commission, which is $13,000 above the fiscal year 2004 level and the same as the request. The Commission, authorized by Public Law 107–273, will examine whether antitrust laws need to be modernized, and will identify and study related antitrust issues.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The recommendation includes $499,000 for the Commission for the Preservation of America's Heritage Abroad, which is $8,000 above the fiscal year 2004 level and the same as the request. The recommendation will allow the Commission to fund its administrative expenses through appropriated funds while relying on other sources of funding for actual purchase and restoration of property.

The Commission protects and preserves endangered cultural sites in Eastern and Central Europe important to the heritage of U.S. citizens, including cemeteries, monuments, and historic buildings. One of its primary tasks is to obtain protection and preservation assurances from the governments of the region. Although it began operations during FY 1990, more than two-thirds of the 17 government-to-government agreements it has negotiated have been entered into since 2001. On May 11, 2004, the Commission signed a Bilateral Agreement with the Polish Government to preserve and protect historic Jewish cemeteries. The Commission has also accelerated efforts to identify and support a growing number of site preservation projects.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The recommendation includes $9,096,000 for the salaries and expenses of the Commission on Civil Rights, which is $95,000 above the fiscal year 2004 level and the same as the request.

The Commission was established by the Civil Rights Act of 1957 and is directed by eight part-time commissioners. The Commission was created to protect the civil rights of people within the U.S. and was intended to be an independent, bipartisan, fact-finding agency. The Commission investigates charges of citizens being deprived of voting and other civil rights and collects, studies, and disseminates information on the impact of Federal laws and policies on civil rights.

The Committee recommends language as included in previous years, which provides: (1) $50,000 to employ consultants; (2) a limitation of four full-time positions under schedule C of the Excepted Service, exclusive of one special assistant for each Commissioner, and (3) a prohibition against reimbursing Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

The recommendation includes $3,000,000 for the Commission on International Religious Freedom, which is $32,000 above the fiscal year 2004 level and the same as the request.

The Committee commends the Commission on its efforts to promote international religious freedom in consultation with the Department of State, independent human rights groups, and other non-governmental organizations, religious leaders, academics, policy experts, the intelligence community, and government agencies. The Committee urges the Commission and the State Department to continue work on developing an Index on Religious Freedom that may be used to assess progress on relevant issues within regions and specific countries. The State Department's Report on Trafficking in Persons may provide a useful model for assessing and tracking efforts to promote religious freedom worldwide.

The Commission, established pursuant to the International Religious Freedom Act of 1998, conducts independent reviews and reporting of facts and circumstances of violations of religious freedom abroad, and recommends options for United States policies with respect to foreign countries engaging in or tolerating violations of religious freedom.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The recommendation includes $1,831,000 for the Commission on Security and Cooperation in Europe, which is $233,000 above the fiscal year 2004 level and the same as the request. The Commission was established in 1976 to monitor compliance with the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to provisions dealing with humanitarian affairs.

The Committee recognizes the leadership of the Commission in promoting human rights, democracy, and the rule of law in the 55 participating States of the Organization for Security and Cooperation in Europe (OSCE).

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

The recommendation includes $1,900,000 for the Congressional-Executive Commission on the People's Republic of China, which is $119,000 above the fiscal year 2004 level and the same as the request.

The Committee commends the Commission for its ongoing efforts to monitor China's compliance with international human rights agreements and standards. The Committee urges the Commission to expedite completion of its Political Prisoner Database project in accordance with Section 302(b) of Public Law 106–286 and to provide a monthly status report to the Committee on related plans and activities. The timely completion of the registry will significantly heighten international awareness regarding the plight of political prisoners in China. The Committee urges the Commission to continue consulting with key stakeholders and the public on the design, development, and maintenance of the Database project.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The recommendation includes $334,944,000 for the salaries and expenses of the Equal Employment Opportunity Commission (EEOC) for fiscal year 2005. This amount is $10,000,000 above the fiscal year 2004 level and $15,810,000 below the request.

The Committee recommendation includes inflationary increases for personnel, benefits, and space rental costs. Within the amount provided, $1,454,000 is for the Alternative Dispute Resolution program, litigation support, and outreach, and $500,000 is for the New Freedom Initiative to remove barriers faced by people with disabilities.

The recommendation includes language prohibiting the Commission from taking action to implement any workforce repositioning, restructuring, or reorganization unless the Committee has been notified in advance of such proposals, in accordance with the reprogramming procedures under section 605 of this Act. In this regard, the recommendation includes $1,021,000 for continued implementation of the National Contact Center, which shall only be available subject to the submission of a spending plan to the Committee in accordance with the reprogramming procedures under section 605 of this Act. EEOC shall submit quarterly status reports on projected and actual spending levels, by function, for repositioning. In addition, EEOC shall continue to submit quarterly reports on projected and actual agency spending and staffing levels during fiscal year 2005.

The bill includes language similar to that included in previous Appropriations Acts allowing not to exceed $33,000,000 for payments to State and local Fair Employment Practices Agencies

(FEPAs). The Committee again encourages the EEOC to use the experience the FEPAs have in mediation as the Commission continues to expand its Alternative Dispute Resolution programs. The bill also includes language similar to that included in previous Appropriations Acts allowing non-monetary awards to private citizens and up to $2,500 for official reception and representation expenses.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The bill includes total budget authority of $279,851,000 for the salaries and expenses of the Federal Communications Commission (FCC) for fiscal year 2005, of which $272,958,000 is to be derived from offsetting collections, resulting in a direct appropriation of $6,893,000. The operating level for fiscal year 2005 is $5,904,000 above the fiscal year 2004 level and $13,107,000 below the request. The recommendation provides inflationary adjustments for staff compensation and benefits.

The Committee recommendation includes bill language, similar to that included in previous Appropriations Acts, which allows: (1) up to $600,000 for land and structure; (2) up to $500,000 for care and improvement of grounds and buildings; (3) up to $4,000 for official reception and representation expenses; (4) purchase of uniforms and acquisition of vehicles; (5) special counsel fees; (6) collection of $272,958,000 in section 9 fees; (7) the sum appropriated to be reduced as section 9 fees are collected; and (8) fees in excess of $272,958,000 to be available in fiscal year 2006.

The mission of the Federal Communications Commission is to implement the Communications Act of 1934 in a manner that promotes competition, innovation, and deregulation in the communications industry and the availability of high quality communications services for all Americans.

During the FY 2004 appropriations process, the Committee raised concerns about FCC employees accepting travel payments from entities that have business concerns regulated by the Commission. The Committee is pleased that the Commission voluntarily examined its travel practices and has modified its procedures for accepting payments from non-governmental sources. However, the Committee encourages the Commission to extend its prohibition on non-government-sponsored travel to apply to all FCC employees. For this reason, the Committee has provided a funding recommendation that is sufficient to accommodate mission-critical travel.

The Committee expects the FCC to initiate a Notice of Proposed Rulemaking to revise its rules regarding local public notice of the filing of broadcast applications (47 C.F.R. Sec. 73.3580) to require that all local public notices must clearly indicate, in plain and reasonable terms that are understandable to the general public, the impact of the application filed with the Federal Communications Commission and how the public can participate in the FCC process regarding the application.

The recommendation does not include a provision in the fiscal year 2004 bill that limited the funds available to administer the spectrum auctions program. The Committee expects the FCC to re-

fine its cost accounting system so that auction costs can be clearly distinguished from the costs of other Commission activities.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The Committee recommends total budget authority of $203,430,000 for the salaries and expenses of the Federal Trade Commission for fiscal year 2005, which is $17,925,000 above the fiscal year 2004 level and $2,000,000 below the request. Collections from premerger filing fees under the Hart-Scott-Rodino Act and Do-Not-Call list fees partially offset the appropriation requirement for this account.

The mission of the Commission is to enforce a variety of Federal antitrust and consumer protection laws. Under these laws, the Commission seeks to ensure that the nation's markets are competitive, function vigorously and efficiently, and are free from undue governmental and private restrictions. The Commission also seeks to improve the operation of the marketplace by eliminating deceptive and unfair practices. Appropriations for both the Antitrust Division of the Department of Justice and the Commission are partially financed with Hart-Scott-Rodino Act pre-merger filing fees. The Committee understands that due to changes in the Hart-Scott-Rodino fee structure and a reduction in merger activity, the number of pre-merger filings requiring review declined by 80 percent between fiscal year 2000 and fiscal year 2003.

The recommendation includes modified bill language prohibiting the use of funds to implement or enforce portions of section 43 of the Federal Deposit Insurance Act and section 151 of the Federal Deposit Insurance Corporation Improvements Act of 1991.

The recommendation also includes bill language which: (1) allows for purchase of uniforms and hire of motor vehicles; (2) allows up to $2,000 for official reception and representation expenses; (3) allows for the collection of fees; (4) allows for the sum appropriated to be reduced as fees are collected; and (5) allows funding to be available until expended.

HELP COMMISSION

SALARIES AND EXPENSES

The recommendation includes $1,000,000 for the necessary expenses of the HELP Commission to carry out its authorized purposes.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The recommendation includes $335,282,000 for the payment to the Legal Services Corporation. This amount is the same as the fiscal year 2004 level and $5,982,000 above the request. This amount includes: (1) $316,604,000 for grants to basic field programs and required independent audits; (2) $2,573,000 for the Office of Inspector General; (3) $13,160,000 for Corporation management and administration; and (4) $2,945,000 for client self-help and information technology.

The Legal Services Corporation is a private, nonprofit corporation that provides low-income individuals with access to legal assistance and information concerning civil legal problems. Created in 1974, the Legal Services Corporation is charged by Congress to provide assistance to those who would otherwise be unable to afford adequate legal counsel.

The Committee notes that the Legal Services Corporation will carry forward into fiscal year 2005 balances remaining from prior year appropriations. The recommendation includes a provision to allow LSC to spend up to $1,000,000 from such balances for a law school student loan repayment pilot program in fiscal year 2005. Not later than 30 days after enactment of this Act, the Corporation shall submit the following information to the Committee: guidelines and requirements for implementing a loan repayment program, the number of legal aid attorneys who will be able to receive student loan repayment based on the amounts made available, and the original sources of funds that will be re-allocated for a student loan repayment program. The Committee expects that this program will help to encourage more lawyers to pursue careers in legal aid.

ADMINISTRATIVE PROVISION

The Committee recommendation includes bill language to continue statutory requirements and restrictions contained in previous Appropriations Acts.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The recommendation includes $1,890,000 for the necessary expenses of the Marine Mammal Commission, which is $54,000 above the fiscal year 2004 level and the same as the request.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

The recommendation includes $2,000,000 for the Corporation, which is $21,000 above the fiscal year 2004 level and the same as the request. The Corporation was established by Public Law 106–50 to foster entrepreneurship and business opportunities for veterans, including access to training, capital and markets. The Committee understands that fiscal year 2004 was the last year the Corporation was authorized to receive appropriated funding but that initial startup of the Corporation was delayed. The Committee encourages the Corporation to make its operations and programs self-sustaining by the start of fiscal year 2006.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The Committee recommendation includes $913,000,000 for the Securities and Exchange Commission (SEC), including $893,000,000 from current year fee collections and $20,000,000 from prior year unobligated balances. This total funding level is the same as the request and $101,500,000 above the level of funds available in fiscal year 2004.

The primary mission of the SEC is to protect investors and maintain the integrity of the securities markets. This includes ensuring full disclosure of financial information, regulating the nation's securities markets, and preventing and policing fraud and malpractice in the securities and financial markets.

In fiscal years 2003 and 2004, the Commission received funds to significantly increase its ability to protect investors and to implement the Sarbanes-Oxley Act. The fiscal year 2005 recommendation allows for inflationary adjustments; provides increased rent costs associated with the SEC's new headquarters building; and supports 106 new positions which will allow the SEC to oversee the structure of markets, vigorously employ enforcement procedures, and focus on ensuring the integrity of the mutual fund industry.

The Committee remains concerned that American investors may be unwittingly investing in companies with ties to countries that sponsor terrorism or are linked to human rights violations. For example, the Committee is aware of certain companies listed on U.S. exchanges that are linked to human rights abuses in Sudan. The Committee believes that a company's association with sponsors of terrorism and human rights abuses, no matter how large or small, can have a materially adverse result on a public company's operations, financial condition, earnings, and stock prices, all of which can negatively affect the value of an investment. In order to protect American investors' savings and to disclose these business relationships to investors, the fiscal year 2004 conference report included the establishment of an Office of Global Security Risk within the Division of Corporation Finance. The Committee notes that the SEC has not followed the guidance included in the fiscal year 2004 conference report requiring submission of quarterly reports on the activities of this office. The Committee believes that the SEC must not fail to take seriously this threat to American investors. The Committee expects the SEC to report in a timely manner on the Office of Global Security Risk and provide quarterly reports through the end of fiscal year 2005.

In addition, the Committee recommends language, similar to that included in previous Appropriations Acts, which: (1) allows for the rental of space; (2) makes up to $3,000 available for official reception and representation expenses; (3) makes up to $10,000 available for a permanent secretariat for the International Organization of Securities Commissions; and (4) makes up to $100,000 available for expenses of meetings and consultations with foreign governmental and regulatory officials.

SMALL BUSINESS ADMINISTRATION

The accompanying bill provides a total of $672,109,000 for the five appropriations accounts of the Small Business Administration (SBA). This amount is $6,291,000 below the budget request and $39,172,000 below the amount appropriated in fiscal year 2004. Detailed guidance for the five SBA appropriations accounts are contained in the following paragraphs.

SALARIES AND EXPENSES

The Committee recommends $322,322,000 for the salaries and expenses account of the Small Business Administration. This

amount is the same as the amount provided in fiscal year 2004 and $3,937,000 below the request.

Of the amount provided under this heading, $203,722,000 is for operating expenses of the SBA. In addition, a total of $136,500,000 from other SBA accounts may be transferred to and merged with the salaries and expenses account for indirect operating costs. This amount consists of $128,000,000 from the Business Loans Program account and $8,500,000 from the Disaster Loans Program account for administrative expenses related to those accounts. The Committee also anticipates that SBA will have an additional $3,000,000 in fee receipts and $1,500,000 in reimbursable amounts from other agencies available for operating expenses. This will result in a total availability of $344,722,000 for the operating expenses of the SBA, an increase of $19,906,000 or 6 percent.

The Committee expects this level of funding will support the fiscal year 2004 on-board staffing levels. The recommendation does not include requested increases for competitive sourcing, program evaluations, or e-gov activities. The Committee directs the SBA to support no less than the fiscal year 2004 level of funding for the HUBZone Contracting Program. In addition, the Committee expects the SBA to support no less than the fiscal year 2004 level for international trade programs, including the United States Export Assistance Centers (USEACs). The Committee also expects the SBA to devote funds from its operating budget to enhance opportunities for small businesses to partner with the manufacturing sector.

In addition, the recommendation includes language under the Disaster Loans Program account providing that $117,000,000 of the amount provided for administrative expenses may be transferred to and merged with the salaries and expenses account for the direct and indirect administrative costs of disaster loan making and servicing.

Within the amounts provided under this heading, the Committee expects the SBA to continue to help small businesses adapt to a paperless procurement environment. The Committee recommendation also includes the full amount requested for Low Documentation Processing Centers.

The Committee is concerned that amounts obligated to the Federal Systems Integration and Management Center (FEDSIM) and allocated for the loan monitoring system (LMS) may expire before all aspects of the project are completed. The Committee expects the SBA to submit a plan for spending these balances in a timely and responsible manner so that the LMS project can continue to run smoothly. If it is determined that funds allocated for LMS will expire, the Committee expects the SBA to submit a legislative proposal extending the period of availability for obligations to be liquidated.

The Committee notes that the SBA has two senior level executives dedicated to the Administration's e-gov program. The Committee strongly supports making the SBA's processes more automated and consolidated and encourages these employees and their staff to look for ways to continue to implement organizational changes to increase efficiency and improve customer service. The committee requests a report on these activities within 30 days after enactment of this Act.

The Committee recommendation for salaries and expenses includes a total of $118,600,000 for non-credit initiatives as follows:

[In thousands of dollars]

National Ombudsman	$500
Advocacy Research	1,100
Veterans Programs	750
7(j) Technical Assistance Programs	1,500
Small Business Development Centers	90,000
SCORE	5,000
Women's Business Centers	12,000
Women's Business Council	750
Native American Outreach	1,000
PRIME Technical Assistance	5,000
Drug Free Workplace	1,000
Total, non-credit initiatives	118,600

The SBA shall not reduce these noncredit programs to fund operating costs.

The Committee recommendation includes $1,000,000 under noncredit programs for a Native American Outreach initiative. Funding for this initiative is in addition to amounts planned for this program in the operating budget. The Committee expects that this initiative will assist small businesses in tribal areas on the basis of need. The Committee realizes that not all Native American tribes, particularly those in remote areas experiencing severe economic hardship, may be aware of this and other SBA programs. The Committee expects the SBA to include a strong outreach component in this initiative to ensure that underserved Native American tribes have the opportunity to participate in the program.

The Committee provides $90,000,000 for Small Business Development Centers (SBDCs), $1,937,000 above the current level and $2,000,000 above the request. The Committee expects SBDCs, among other areas of assistance, to identify export opportunities and to work with the manufacturing sector to develop strategic partnerships with small businesses. Of the amounts provided for the SBDC program, $2,000,000 is to continue the SBDC defense transition program.

The Committee recommendation includes requested language authorizing $3,500 for official reception and representation expenses as well as language authorizing the SBA to charge fees to cover the cost of publications and certain loan servicing activities. The language also permits revenues received from all such activities to be credited to the salaries and expenses account to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

The Committee recommends $14,500,000 for the Office of Inspector General of the Small Business Administration, which is the same as the request and $1,636,000 above the amount appropriated in fiscal year 2004. The Committee understands that these resources will be used to meet the Office of Inspector General's statutory requirements, with a particular focus on fraud investigations, financial statement audits, and the agency's transformation.

SURETY BOND GUARANTEES REVOLVING FUND

The Committee recommends a total of $11,400,000 for the Surety Bond Guarantees Revolving Fund. The Committee understands that the Surety Bond program is not covered by Federal Credit Reform Act, and that SBA requests an appropriation only when projections show that the reserves need to be replenished to cover estimated future liabilities. In the future, the Committee encourages the SBA to pursue incremental budget requests for this program rather than requesting a large lump sum in one fiscal year.

BUSINESS LOANS PROGRAM ACCOUNT

The Committee recommends a total of $128,000,000 under this account for administrative expenses related to business loan programs. The amount provided for administrative expenses may be transferred to and merged with the appropriation for SBA salaries and expenses to cover the common overhead expenses associated with business loans.

The SBA Business Loan Program serves as an important source of capital for America's small businesses. The recommendation designates a $12,500,000,000 business loan program level, the requested program level. The President's request and the Committee's recommendation assume that the 7(a) business loan program can operate without an appropriation for subsidy costs. The Committee believes that operating this program at zero subsidy is beneficial for the long-term sustainability of this program.

The recommendation also supports the 504 and Small Business Investment Company (SBIC) loan programs with no subsidy appropriation.

In addition, the recommendation includes a $10,000,000,000 program level for the Secondary Market Guarantee Program. This reflects the inclusion of this program under the Federal Credit Reform Act. The established subsidy rate is zero; therefore, no appropriation is required.

As required by the Federal Credit Reform Act of 1990, Congress is required to appropriate an amount sufficient to cover the subsidy costs associated with all direct loan obligations and loan guarantee commitments made in fiscal year 2005, as well as the administrative expenses of the loan programs. The subsidy amounts are measured on a net present value basis, and the administrative expenses are estimated on a cash basis.

DISASTER LOANS PROGRAM ACCOUNT

The Committee recommends a total of $195,887,000 for the Disaster Loans Program Account for loan subsidies and associated administrative expenses, which is $1,354,000 below the request and $27,131,000 above the fiscal year 2004 level. The Committee recommendation includes $78,887,000 for the subsidy costs of disaster loans, which when combined with estimated recoveries and other balances will provide for a loan level of at least $792,278,000, which represents the requested average annual disaster loan program level.

The Committee recommendation includes $117,000,000 for administrative expenses of carrying out the program, which may be transferred to and merged with appropriations for salaries and ex-

penses. The recommendation includes language specifying that, of the amount provided for administrative expenses, $108,000,000 is for the direct administrative expenses of loan making and loan servicing, and $8,500,000 is for indirect administrative expenses. The recommendation also includes language requiring that any amount in excess of $8,500,000 transferred to the salaries and expenses account for indirect administrative expenses shall be subject to reprogramming requirements, as detailed under section 605 of this Act. In addition, the recommendation retains language transferring $500,000 of the amount provided for administrative expenses to the Office of Inspector General for audits and reviews of the disaster loan portfolio.

As required by the Federal Credit Reform Act of 1990, the Congress is required to appropriate an amount sufficient to cover the subsidy costs associated with all direct loan obligations and loan guarantee commitments made in fiscal year 2005, as well as the administrative expenses of the loan programs. The subsidy amounts are measured on a net present value basis, and the administrative expenses are estimated on a cash basis.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The Committee recommends $2,227,000 for the State Justice Institute (SJI) for fiscal year 2005, which is the same as the fiscal year 2004 appropriation and $2,227,000 above the President's request.

The SJI is a private, non-governmental organization that awards grants to improve the administration of justice in State courts. For the third consecutive year, the Administration's budget request has proposed eliminating Federal funding for SJI. However, the Administration's request provides a variety of grant programs to assist State courts under the Office of Justice Programs (OJP). The Committee commends SJI for beginning to work with OJP in fiscal year 2004 on issues involving State courts and encourages SJI to continue to seek funds from OJP grant programs.

The Committee understands that SJI has been unable to generate stable sources of non-Federal funding. The Committee is aware that SJI has contacted bar associations and court organizations, yet these groups are not inclined to contribute to operations of the SJI beyond providing matching grant funds for individual projects. For this reason, the Committee has continued to provide Federal funds for SJI even though the President's request does not include funding for this organization.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

The Committee recommendation includes $3,000,000 for the necessary expenses of the United States-China Economic and Security Review Commission in fiscal year 2005, including not more than $5,000 for the purpose of official representation. This amount is $1,021,000 above the fiscal year 2004 level and $1,000,000 above the request. Of the amount provided, $1,000,000 shall be used to

expand the Commission's research programs on U.S.-China trade imbalances and China's military acquisitions, and to enhance the Commission's outreach efforts.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

The recommendation includes $23,000,000 for the United States Institute of Peace, which is $5,901,000 above the fiscal year 2004 level, excluding emergency supplemental amounts, and $901,000 above the budget request. The recommendation includes a requested program increase for programs related to resolving conflicts in the Arab and Muslim World. Within amounts available, including prior year funding, the Institute may use such funds as necessary for advance architectural work and planning related to a new headquarters facility.

TITLE VI—GENERAL PROVISIONS

The Committee recommends the following general provisions for the departments and agencies funded in the accompanying bill. Except where modifications are indicated, these general provisions were included in the fiscal year 2004 Appropriations Act.

Section 601 prohibits any appropriation contained in the Act from being used for publicity or propaganda purposes not authorized by the Congress.

Section 602 prohibits any appropriation contained in the Act from remaining available for obligation beyond the current fiscal year unless explicitly provided.

Section 603 provides that the expenditure of any appropriation contained in the Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or under existing Executive Order issued pursuant to existing law.

Section 604 provides that if any provision of the Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of such provisions to persons or circumstances other than those to which it is held invalid shall not be affected.

Section 605, modified from fiscal year 2004, provides for the Committee's policy concerning the reprogramming of funds. Section 605(a) prohibits the reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates offices or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any function or activity presently performed by Federal employees unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance. Section 605(b) prohibits a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in per-

sonnel, which would result in a change in existing programs, activities, or projects as approved by Congress unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance. The Committee has again included carryover funds under the requirements of section 605 to clarify that agencies must follow reprogramming procedures with respect to carryover funds.

Section 606 prohibits funds in the Act from being used for construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside the United States.

Section 607, modified as requested, states the sense of the Congress that, to the greatest extent possible, all equipment and products purchased with funds made available in the bill should be American-made; directs the head of each Federal agency to provide a notice describing Congressional intent to any entity it provides financial assistance to or enters into a contract with; and makes any person determined to have misused "Made in America" labeling ineligible to receive grants or contracts made with funds provided under this Act.

Section 608 prohibits funds from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion similar to proposed guidelines published by the EEOC in October, 1993.

Section 609, proposed for deletion in the budget request, prohibits the use of funds for any United Nations peacekeeping mission when it is made known that United States Armed Forces are under the command or operational control of a foreign national and the President has not submitted to the Congress a recommendation that such involvement is in the national security interest of the United States.

Section 610 requires quarterly reporting to Congress of unobligated balances that were received during any previous fiscal year. This provision has been modified from fiscal year 2004 to add the Securities and Exchange Commission.

Section 611, proposed for deletion in the budget request, prohibits the use of funds to pay for expansion of diplomatic or consular operations in Vietnam beyond the level of operations on July 11, 1995, unless the President certifies within 60 days that Vietnam is cooperating in full faith with the U.S. on POW/MIA issues.

Section 612 provides that any closing or downsizing costs incurred by a department or agency funded under this Act resulting from funding reductions in the Act shall be absorbed within the budgetary resources available to the Department or agency, and provides transfer authority between appropriation accounts to carry out the provision, subject to reprogramming procedures.

Section 613, proposed for deletion in the budget request, prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided that such restrictions are applied equally to all tobacco products or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 614 prohibits funds for the issuance of visas to persons involved in political and extrajudicial killings in Haiti.

Section 615, with minor technical modifications, prohibits funds made available in this Act from being used to implement a Federal user fee for background checks conducted pursuant to the Brady Handgun Control Act of 1993, or to implement a background check system that does not require and result in the destruction of certain information within 24 hours.

Section 616, modified from fiscal year 2004 and the request, delays the obligations of any receipts deposited into the Crime Victims Fund in excess of $650,000,000 until October 1, 2005. This language is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the fund. The Committee understands that the Administration assumed that the regulations required to implement the International Terrorism Victim Compensation Program would be in place during fiscal year 2005 and requested a $50,000,000 increase in the obligation limitation to fund this program. The Committee understands that these regulations are unlikely to be implemented during fiscal year 2005. Therefore, the Committee's $25,000,000 increase in the obligation limitation will be available to support an increase in other victims assistance programs.

Section 617 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious beliefs of students participating in such programs.

Section 618, proposed for deletion in the budget request, prohibits the use of funds to process visas for citizens of countries that deny or delay the repatriation of deported citizens.

Section 619 prohibits the use of Department of Justice funds to transport high security prisoners to facilities not certified by the Bureau of Prisons as appropriate to receive such prisoners.

Section 620, proposed for deletion in the budget request, prohibits the use of funds for certain audiovisual equipment and material by Federal Prisons.

Section 621, proposed for deletion in the budget request, prohibits the transfer of funds in the Act to any department or agency of the U.S. Government, except for transfers made under authorities provided in this, or any other appropriation Act.

Section 622, modified from fiscal year 2004 and proposed for deletion in the budget request, requires the Departments of Commerce, Justice, and State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration to certify that telecommuting opportunities have been made available to 100 percent of the eligible workforce. Previous public laws have required departments and agencies to establish policies under which eligible employees may participate in telecommuting to the maximum extent possible. Noting that each entity should have met this requirement by now, the Committee requires certification that each has done so. This section also designates funding for the departments, the Judiciary, the Securities and Exchange Commission and the Small Business Administration to be available only after such certification is provided.

Section 623 requires the Bureau of Alcohol, Tobacco, Firearms and Explosives to include specific language in any release of trac-

ing study data that makes clear that trace data cannot be used to draw broad conclusions about firearms-related crime.

Section 624 prohibits the use of funds to process patents of human organisms. The Committee concurs with the intent of this provision as expressed in the colloquy between the provision's sponsor in the House and the ranking minority member of the House Committee on Appropriations as occurred on July 22, 2003, with respect to any existing patents on stem cells.

Section 625, proposed for deletion in the budget request, prohibits the use of funds in this Act to pay expenses for any United States delegation to the United Nations Human Rights Commission if such commission is chaired or presided over by a country that has repeatedly provided support for acts of international terrorism.

Section 626 includes new language amending Section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 by providing for capital security cost sharing. The amended section directs that all agencies with personnel overseas subject to chief of mission authority shall participate and provide funding in advance for their share of costs of providing new, safe, and secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence determined annually.

The Secretary of State is the single manager of all buildings and grounds for use by the diplomatic and consular establishments in foreign countries, as authorized by the Foreign Service Buildings Act of 1926 (22 U.S.C. 292). In addition, the Secretary is authorized to collect funds from each agency on the basis of its total overseas presence in a manner that encourages rightsizing of its overseas presence. Overseas presence is determined to include contractors and locally hired personnel who are working from US diplomatic facilities and are under chief of mission authority. Such funds shall be used solely for the provision of new safe and secure diplomatic facilities that comply with all applicable legal standards, including those standards established under the Secure Embassy Construction and Counterrorism Act of 1999. The Secretary shall include in the Department of State's Congressional Presentation Document an accounting of the sources and uses of the amounts deposited into the account. The Committee does not expect overseas presence in this context to include those government employees who have been given or expect to be given a waiver (available under 606(a)(2)(B)(I) of the Secure Embassy Construction and Counterrorism Act of 1999) from the requirement to be collocated on the embassy compound.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(RESCISSION)

The Committee recommends a rescission of $20,000,000 from unobligated balances in this account. The budget request proposed a rescission of $53,471,000 for this account under Title I.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSION)

The Committee recommends a rescission of $61,000,000 from balances made available through the recovery of prior year deobligations. The budget request proposed a rescission of $53,471,000 for this account under Title I.

HOUSE OF REPRESENTATIVES REPORT REQUIREMENTS

The following items are included in accordance with various requirements of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives states that:

> Each report of a committee on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

The Committee on Appropriations bases its authority to report this legislation from Clause 7 of Section 9 of Article I of the Constitution of the United States of America, which states:

> No money shall be drawn from the Treasury but in consequence of Appropriations made by law. * * *

Appropriations contained in this Act are made pursuant to this specific power granted by the Constitution.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the following is a statement of general performance goals and objectives for which this measure authorizes funding:

The Committee on Appropriations considers program performance, including a program's success in developing and attaining outcome-related goals and objectives in developing funding recommendations.

CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to clause 3(f)(1) of rule XIII of Rules of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill, which directly or indirectly change the application of existing law.

Language is included in various parts of the bill to continue ongoing activities which require annual authorization or additional legislation, which to date has not been enacted.

The bill includes provisions which place limitations on the use of funds in the bill or change existing limitations and which might, under some circumstances, be construed as changing the application of existing law.

The bill includes a number of provisions, which have been virtually unchanged for many years, which are technically considered legislation.

The bill also provides that a number of appropriations shall remain available for obligation beyond the current fiscal year. While these provisions are not specifically authorized for all of the items, it is deemed desirable to include such language for certain programs in order to provide for orderly administration and the effective use of funds.

Language is included under a number of accounts in which appropriations are offset by collections that specifies the level of offsetting collections to be credited to the account and in certain cases makes collections in excess of the level available in the following fiscal year.

In various places in the bill, the Committee has designated funds within appropriation accounts in order to fund specific programs and has adjusted some designations.

Language is deleted for items that were one-time requirements in fiscal year 2004.

Language is included making changes to citations of authorizations.

Language is included designating the number of employees and funding for certain functions of the Departments of Commerce, Justice and State.

In various places in the bill, language is included restricting travel costs of regulatory agencies from being paid by certain non-Federal sources.

Throughout the bill, several General Provisions carried in the fiscal year 2004 bill for one-time requirements are deleted and several others contain technical modifications.

Those additional changes in the fiscal year 2005 bill, which might be interpreted as changing existing law, are as follows:

Under Detention Trustee, language is deleted regarding authorities of the Detention Trustee, management of funds, and detention policy.

Under United States Marshals Service, Salaries and Expenses, language is deleted designating an amount for fugitive task forces. Language is included regarding amounts available for information technology systems. Language is modified regarding courthouse security equipment and designating positions and workyears. Under United States Marshals Service, Construction, language is included regarding the activities funded in this account and designating availability of funds. Language is deleted regarding uses of funds.

Under Fees and Expenses of Witnesses, language is modified concerning authorized expenses.

The Interagency Crime and Drug Enforcement account is provided under the heading Interagency Law Enforcement rather than under the Drug Enforcement Administration.

Under the Interagency Crime and Drug Enforcement account, language regarding the distribution of carryover balances is deleted.

Under the Federal Bureau of Investigation, language regarding funding availability is modified.

Funding for the Foreign Terrorist Tracking Task Force is provided under the Federal Bureau of Investigation rather than under a separate heading.

Under the Federal Bureau of Investigation, modified language is included concerning reimbursable agreements with State and local law enforcement.

Under the Federal Bureau of Investigation, language is including making funding available for a records management facility.

Under the Drug Enforcement Administration, language regarding funding availability is modified.

Under the Bureau of Alcohol, Tobacco, Firearms and Explosives, language regarding funding availability is included.

Under the Bureau of Alcohol, Tobacco, Firearms and Explosives, language is included concerning license renewals.

Under Federal Prison System, Salaries and Expenses, language is included regarding the number of new and replacement automobile purchases and regarding funds carried forward into the next fiscal year.

Under State and Local Law Enforcement Assistance, language is deleted concerning the transfer of funding to the Violence Against Women Prevention and Prosecution Programs account. Language is included making funds available for the Edward Byrne Memorial Justice Assistance Grants program. Language is deleted concerning the disbursement of funds under the State Criminal Alien Assistance Program. Language is modified concerning the Edward Byrne Discretionary program. Language is modified concerning Drug Courts. Language is included concerning a State and local intelligence sharing program. Language is deleted concerning litigation processing.

Under Weed and Seed Program Fund, language is deleted concerning salaries and expenses. Language regarding funding availability is modified, and language regarding gang-related crimes is included.

Under Community Oriented Policing Services, language concerning reimbursable services is deleted. Language concerning COPS enhancement grants is included. Language concerning armor vests is modified. Language regarding the availability of DNA analysis funding is deleted.

Under the Violence Against Women Prevention and Prosecution Programs account, language regarding the Juvenile Justice and Delinquency Prevention Act of 1974 is included. Language regarding the televised testimony program is modified.

Under the Juvenile Justice account, language regarding the administration of gang resistance program funding is modified.

Under the Public Safety Officers Benefits program, language is included concerning the education assistance program.

In section 109, language is included prohibiting certain drug procurement quotas.

In section 110, language is included permitting the establishment of certain procurement quotas.

In section 111, language is including regarding mandatory retirement for certain Federal Bureau of Investigation employees.

In section 112, language is included regarding retention and relocation bonuses for the FBI.

In section 113, language is included regarding the establishment of a Federal Bureau of Investigation reserve program.

In section 114, language is included regarding critical intelligence positions for the FBI.

Under Office of United States Trade Representative, language is included designating funds for a certain purpose, and language regarding certain negotiations is deleted.

Under International Trade Administration, Operations and Administration, language is included changing the name of a programmatic line office and designating funds for certain centers and offices.

Under Bureau of Industry and Security, language is included under Economic and Information Infrastructure making a certain amount available for a certain economic study.

Under Periodic Censuses and Programs, language is included designating funds for certain purposes. Language is modified regarding the 2010 decennial census.

Under Public Telecommunications Facilities, Planning and Construction, language is included providing for the administration of grants. Language is deleted regarding availability of funds and limiting funding for program administration.

Under Information Infrastructure Grants, language is included regarding authority to administer prior-year grants.

Under United States Patent and Trademark Office, language is included regarding availability of funds, including funds from fees. Language is included regarding positions, workyears, and funds for certain functions, certain payments from a non-Federal entity, and certain retirement benefits.

Under Industrial Technology Services, language is deleted regarding the Advanced Technology Program and regarding non-profit organizations.

Under National Oceanic and Atmospheric Administration, Operations, Research, and Facilities, language is deleted regarding limitations on a grant program, a limitation on the amount for payment to the Department's Working Capital Fund, giving direction on a certain organizational structure and on certain cooperative agreements, and a transfer of funds to the Marine Mammal Commission. Language is included limiting the amount available for corporate services.

Under National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction, language is included regarding reprogramming and the use of deobligated balances.

Under Pacific Coastal Salmon Recovery, language is included describing uses of funds under this account.

Language is deleted regarding funding for the Fishermen's Contingency Fund and the Foreign Fishing Observer Fund.

Under Fisheries Finance Program Account, language is modified regarding uses of the funding.

Section 205 includes language prohibiting Commerce Department funds in this or any other Act from being used for the purpose of reimbursing the Unemployment Trust Fund or any other Treasury account for temporary Census workers.

Under Supreme Court, Care of the Building and Grounds, language is included regarding an authorization.

Under Courts of Appeals, District Courts, and other Judicial Services, Salaries and Expenses, language is deleted regarding holding district court proceedings in a particular location.

Under Courts of Appeals, District Courts, and other Judicial Services, Defender Services, language is included making a minor change in the description of federal defender organizations.

Under Courts of Appeals, District Courts, and other Judicial Services, Court Security, language is included regarding additional uses of funds.

In section 303, language is included making a minor revision to an account title.

Under Administration of Foreign Affairs, language is included designating a level of funding and number of positions for the Bureau of Legislative Affairs, a level for public diplomacy international information programs, a specific level to operate an Office on Right-Sizing the United States Government Overseas Presence, and a specific level for certain information system costs. Language is included requiring notification of Congress prior to the processing of licenses for the export of satellites to China.

Under Embassy Security, Construction, and Maintenance, language is included making funds available only for worldwide security upgrades, acquisition, and construction. Language is also included identifying an amount for domestic and overseas representation.

Under International Organizations, Contributions to International Organizations, language is included requiring that the United Nations remain within its biennial budget, and providing a certain level and authority for the costs of renovating its headquarters.

Under Contributions to International Peacekeeping Activities, language is deleted making funding available for two fiscal years and regarding prior year unobligated balances.

Under Broadcasting Board of Governors, International Broadcasting Operations, language is included regarding authorities for broadcasting to Cuba and the Middle East, and designating an amount to remain available until expended.

Section 405 includes new language regarding the Department of State's Counterterrorism Rewards program.

Under Equal Employment Opportunity Commission, language is included that prohibits the Commission from taking any repositioning, restructuring, or reorganization unless the Committee has been notified in advance of such proposals, in accordance with the reprogramming procedures under section 605 of this Act.

Under Federal Communications Commission, Salaries and Expenses, language is deleted regarding amounts retained to administer a program.

Under Federal Trade Commission, Salaries and Expenses, language is deleted regarding enforcement of a provision of law and regarding a Commission rule. Language is included regarding implementing and enforcing certain provisions of law.

Under Legal Services Corporation, Payment to the Legal Services Corporation, language is deleted regarding a grant formula adjustment, and new language is included allowing the use of prior year funds for student loan repayment. Language is deleted in the Administrative Provision—Legal Services Corporation, placing a condition on a portion of the appropriation.

Under Securities and Exchange Commission, Salaries and Expenses, language is included regarding availability of funds.

Under Small Business Administration, Salaries and Expenses, language is included regarding an authorization citation, and language is deleted concerning a funding designation. Under Small Business Administration, Guaranteed Loans Subsidy, language is deleted designating amounts for the cost of business loans and requiring a specific notification. Language is included setting program levels for zero subsidy loan programs and designating an amount of lending authority for a program. Under Small Business Administration, Disaster Loans Program Account, language is included regarding availability of funds for direct administrative expenses.

In section 618, language is modified regarding limitation on a certain program.

In section 622, language is included requiring the Departments of Commerce, Justice, State, the Judiciary, the Securities and Exchange Commission and the Small Business Administration to certify that telecommuting options have been offered to 100 percent of the eligible workforce. This section also designates funding for the departments, the Judiciary, the Securities and Exchange Commission and the Small Business Administration to be available to implement telecommuting programs only after such certification is provided, and requires the entities to report on expenditure of the funds provided.

In section 626, language is included establishing a capital security cost sharing program.

Language is included rescinding funds under State and Local Law Enforcement Assistance and Community Oriented Policing Services.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law:

[In thousands of dollars]

Agency/program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
Department of Justice: [1]				
General Administration	2003	$121,079	$100,579	$124,906
Identification Systems Integration	2003	—	9,000	5,054
Legal Activities Office Automation	2003	15,942	15,942	50,000
Joint Automated Booking System	2003	24,505	15,973	20,000
Narrowband	2003	149,292	81,354	100,000
Administrative Review and Appeals	2003	198,869	191,535	202,518
Detention Trustee	2003	1,388,583	1,366,591	938,810
Office of Inspector General	2003	66,288	57,937	63,813
U.S. Parole Commission	2003	11,355	10,488	10,650
General Legal Activities	2003	659,181	611,325	639,314
Radiation Exposure Compensation	2003	such sums	—	72,000
Antitrust Division	2003	141,855	133,133	135,463
U.S. Attorneys	2003	1,550,948	1,503,767	1,535,000
Foreign Claims Settlement Commission	2003	1,194	1,136	1,220
U.S. Marshals Service Salaries and Expenses	2003	722,193	680,474	752,070
Fees and Expenses of Witnesses	2003	156,145	175,645	177,585
Community Relations Service	2003	10,732	9,474	9,833
Assets Forfeiture Fund	2003	22,949	21,901	21,759
Interagency Crime and Drug Enforcement	2003	362,131	372,131	561,033

[In thousands of dollars]

Agency/program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
Federal Bureau of Investigation—Salaries and Expenses	2003	4,323,912	4,234,587	5,205,028
Federal Bureau of Investigation—Construction	2003	1,250	1,250	10,242
Drug Enforcement Administration	2003	1,582,044	1,560,919	1,661,503
Bureau of Alcohol, Tobacco, Firearms and Explosives	—	—	—	870,357
Federal Prison System	2003	4,605,068	4,470,478	4,759,661
Office of Justice Programs:				
Justice Assistance:				
Management and Administration	2003	215,811	38,000	38,000
National Institute of Justice	1995	33,000	58,879	55,000
Bureau of Justice Statistics	1995	33,000	32,335	34,000
Regional Information Sharing System	2003	100,000	29,000	40,000
White Collar Crime	—	—	—	9,000
State and Local Law Enforcement:				
Justice Assistance Grants	—	—	—	634,000
Byrne Grants	1995	1,000,000	500,000	110,000
Indian Assistance Programs	—	—	—	15,000
State Prison Drug Treatment Program	2000	72,000	63,000	35,000
Prescription Drug Monitoring	—	—	—	10,000
Telemarketing	2000	2,500	1,995	1,979
Missing Alzheimer's Patients	1998	900	898	883
Hate Crimes Training	—	—	—	1,000
Weed and Seed	2005	—	—	51,169
Violence Against Women:				
Training Programs	1997	1,000	—	1,925
Safe Havens	2002	15,000	—	14,078
Community Oriented Policing:				
Methamphetamine Hot Spots	—	—	—	60,000
Law Enforcement Technologies	—	—	—	130,000
DNA Initiative	—	—	—	175,788
Southwest Border Prosecutors	—	—	—	40,000
Project Safe Neighborhoods	—	—	—	30,000
COPS Enhancement Grants	—	—	—	113,000
Management and Administration	—	—	—	27,914
Juvenile Justice:				
Tribal Youth	—	—	—	(10,000)
Alcohol Prevention	—	—	—	(25,000)
Project Sentry	—	—	—	10,650
Secure our Schools Act	2003	30,000	—	20,000
Project Childsafe	—	—	—	10,000
United States Trade Representative	2004	33,108	41,552	41,552
International Trade Commission	2004	57,240	57,682	61,700
Department of Commerce:				
International Trade Administration	1996	[3]	248,726	393,513
Bureau of Industry and Security	2001	[3]	64,711	68,393
Economic Development Administration	2003	335,000	318,680	320,327
National Telecommunications and Information Administration [2].				
National Institute of Standards and Technology	1993	383,500	310,677	524,970
National Oceanic and Atmospheric Administration [2].				
Department of State:				
Administration of Foreign Affairs	2003	5,133,390	5,098,804	6,457,317
International Organizations	2003	1,617,359	1,529,702	1,844,210
International Commissions	2003	66,385	57,130	59,728
Other State	2003	72,000	69,986	68,875
Broadcasting Board of Governors	2003	644,486	533,841	610,300
Commission on International Religious Freedom	2003	2,865	2,865	3,000
Federal Communications Commission	1991	[3]	115,794	279,851
Federal Trade Commission	1998	110,000	106,500	203,430
Legal Services Corporation	1980	[3]	300,000	335,282

[In thousands of dollars]

Agency/program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
Marine Mammal Commission	1999	1,750	1,240	1,890
Securities and Exchange Commission	2002	776,000	716,350	913,000
Small Business Administration	2003	([3])	643,609	582,109
State Justice Institute	1996	25,000	6,850	2,227
National Telecommunications and Information Administration Salaries and Expenses: Telecommunications Authorization Act of 1992, P.L. 102–538.				
Public Telecommunications Facilities, Planning and Construction/Information Infrastructure Grants: Public Telecommunications Authorization Act of 1992, P.L. 102–356	1994	42,000	24,000	2,538
National Oceanic and Atmospheric Administration Operations, Research and Facilities				2,245,000
Endangered Species Act Amendments of 1988, P.L. 100–478	1992	6,750	8,236	
Marine Mammal Protection Act, P.L. 103–238	1999	14,768	22,927	
International Dolphin Conservation Program Act, P.L. 105–42	2001	4,000	3,293	
Magnuson-Stevens Fisheries Conservation Act, P.L. 104–297	1999	159,000	165,286	
NOAA Marine Fisheries Program Authorization Act, P.L. 104–297	2000	110,470	125,596	
Coastal Zone Management Act, P.L. 104–150	1999	55,100	58,500	
Coastal Zone Management Act, P.L. 101–506 section 6217, Coastal Nonpoint Source Program	1995	12,000	5,000	
Pacific Coastal Salmon Recovery: Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and Southern Boundary Restoration and Enhancement fund, P.L. 106–553	2003	100,000	129,155	80,000

[1] The fiscal year 2004 Commerce, Justice, State, and the Judiciary and Related Agencies Appropriations Act, Public Law 108–199, Section 109, continued the authorizations contained in Public Law 107–273, the 21st Century Department of Justice Appropriations Authorization Act until the effective date of a subsequent Department of Justice appropriations authorization act.

[2] Programs under the Department of Commerce are funded pursuant to a number of expiring authorizing statutes. The statutes address a number of projects that do not directly correspond to the account structure in this Act. Following are the relevant authorizing statutes and estimates of the funding provided pursuant to each statute:

[3] Such sums.

COMPARISON WITH THE BUDGET RESOLUTION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives requires an explanation of compliance with section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, which requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year from the Committee's section 302(a) allocation.

[In millions of dollars]

	Section 302(b) allocation	Recommended in this bill
Budget authority:		
Mandatory	704	704
Discretionary	39,815	39,815
Total budget authority	40,519	40,519
Outlays:		
Mandatory	705	705
Discretionary	40,463	40,428
Total outlays	41,168	41,133

FIVE-YEAR OUTLAY PROJECTIONS

In compliance with section 308(a)(1)(B) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–

344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

Fiscal year 2005 outlays

[In millions of dollars]

Budget authority	40,519
Outlays:	
2005	29,249
2006	6,987
2007	2,506
2008	1,526
2009 and future years	913

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(C) of the Congressional Budget and impoundment Control Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

	Millions
FY 2005 new budget authority	3,228
FY 2005 outlays resulting therefrom	3,127

COMPLIANCE WITH RULE XIII, CL. 3(e) (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

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PART I—THE AGENCIES GENERALLY

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Subpart B—Employment and Retention

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CHAPTER 35—RETENTION PREFERENCE, VOLUNTARY SEPARATION INCENTIVE PAYMENTS, RESTORATION, AND REEMPLOYMENT

SUBCHAPTER I—RETENTION PREFERENCE

Sec.
3501. Definitions; application.

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Subchapter VII—Retention of Retired Specialized Employees at the Federal Bureau of Investigation

3598. Federal Bureau of Investigation reserve service.

* * * * * * *

SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

§ 3598. Federal Bureau of Investigation Reserve Service

(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the "FBI Reserve Service") for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

(b) MEMBERSHIP.—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

(c) ANNUITANTS.—If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

(d) NO IMPACT ON BUREAU PERSONNEL CEILING.—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

(e) EXPENSES.—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

(f) LIMITATION ON MEMBERSHIP.—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.

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Subpart D—Pay and Allowances

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CHAPTER 53—PAY RATES AND SYSTEMS

* * * * * * *

§ 5377. Pay authority for critical positions

(a) For the purpose of this section—

(1) * * *

(2) the term "position" means—

(A) * * *

* * * * * * *

(E) a position established under section 3104; **[**and**]**

(F) a position in a category as to which a designation is in effect under subsection (i)**[**.**]***; and*

(G) a position at the Federal Bureau of Investigation, the primary duties and responsibilities of which relate to intelligence functions (as determined by the Director of the Federal Bureau of Investigation).

* * * * * * *

CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

Sec.
5701. Definitions.

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SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

5751. Travel expenses of witnesses.

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5759. Retention and relocation bonuses for the Federal Bureau of Investigation.

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SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

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§ 5759. Retention and relocation bonuses for the Federal Bureau of Investigation

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation, after consultation with the Director of the Office of Personnel Management, may pay, on a case-by-case basis, a bonus under this section to an employee of the Bureau if—

(1)(A) the unusually high or unique qualifications of the employee or a special need of the Bureau for the employee's services makes it essential to retain the employee; and

(B) the Director of the Federal Bureau of Investigation determines that, in the absence of such a bonus, the employee would be likely to leave—

(i) the Federal service; or

(ii) for a different position in the Federal service; or

(2) the individual is transferred to a different geographic area with a higher cost of living (as determined by the Director of the Federal Bureau of Investigation).

(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Bureau to complete a period of service with the Bureau. Such agreement shall include—

(1) the period of service the individual shall be required to complete in return for the bonus; and

(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

(c) LIMITATION ON AUTHORITY.—A bonus paid under this section may not exceed 50 percent of the employee's basic pay.

(d) IMPACT ON BASIC PAY.—A retention bonus is not part of the basic pay of an employee for any purpose.

(e) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this section shall cease to be available after December 31, 2009.

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Subpart G—Insurance and Annuities

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CHAPTER 83—RETIREMENT

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SUBCHAPTER III—CIVIL SERVICE RETIREMENT

* * * * * * *

§ 8335. Mandatory separation

(a) * * *

(b)*(1)* A law enforcement officer, firefighter, or nuclear materials courier who is otherwise eligible for immediate retirement under section 8336(c) shall be separated from the service on the last day of the month in which that officer, firefighter, or courier, as the case may be, becomes 57 years of age or complete 20 years of service if then over that age. The head of the agency, when in his judgment the public interest so requires, may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age. The employing office shall notify the employee in writing of the date of separation at least 60 days in advance thereof. Action to separate the employee is not effective, without the consent of the employee, until the last day of the month in which the 60-day notice expires.

(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting "65 years of age" for "60 years of age". The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.

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CHAPTER 84—FEDERAL EMPLOYEES' RETIREMENT SYSTEM

* * * * * * *

SUBCHAPTER II—BASIC ANNUITY

* * * * * * *

§ 8425. Mandatory separation

(a) * * *

(b)*(1)* A law enforcement officer, firefighter, or nuclear materials courier who is otherwise eligible for immediate retirement under section 8412(d) shall be separated from the service on the last day of the month in which that law enforcement officer, firefighter, or nuclear materials courier, as the case may be, becomes 57 years of age or completes 20 years of service if then over that age. If the head of the agency judges that the public interest so requires, that agency head may exempt such an employee from automatic separation under this subsection until that employee becomes 60 years of age. The employing office shall notify the employee in writing of the date of separation at least 60 days before that date. Action to separate the employee is not effective, without the consent of the

employee, until the last day of the month in which the 60-day notice expires.

(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting "65 years of age" for "60 years of age". The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.

* * * * * * *

SECTION 36 OF THE STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

(a) * * *

(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) * * *

* * * * * * *

(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3), including by dismantling an organization in whole or significant part; **[**or**]**

(6) the identification or location of an individual who holds a key leadership position in a terrorist organization**[**.**]***; or*

(7) the disruption of financial mechanisms of a foreign terrorist organization, including the use by the organization of illicit narcotics production or international narcotics trafficking—

(A) to finance acts of international terrorism; or

(B) to sustain or support any terrorist organization.

* * * * * * *

(e) LIMITATIONS AND CERTIFICATION.—

(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed **[**$5,000,000**]** *$25,000,000*, except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts.**[**.**]** *Without first making such determination, the Secretary may authorize a reward of up to twice the amount specified in this paragraph for the capture or information leading to the capture of a leader of a foreign terrorist organization.*

* * * * * * *

(6) FORMS OF REWARD PAYMENT.—The Secretary may make a reward under this section in the form of money, a nonmonetary item (including such items as automotive vehicles), or a combination thereof.

* * * * * * *

(i) MEDIA SURVEYS AND ADVERTISEMENTS.—

(1) SURVEYS CONDUCTED.—For the purpose of more effectively disseminating information about the rewards program, the Secretary may use the resources of the rewards program to conduct

media surveys, including analyses of media markets, means of communication, and levels of literacy, in countries determined by the Secretary to be associated with acts of international terrorism.

(2) CREATION AND PURCHASE OF ADVERTISEMENTS.—The Secretary may use the resources of the rewards program to create advertisements to disseminate information about the rewards program. The Secretary may base the content of such advertisements on the findings of the surveys conducted under paragraph (1). The Secretary may purchase radio or television time, newspaper space, or make use of any other means of advertisement, as appropriate.

[(i)**]** *(j)* DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

[(j)**]** *(k)* DEFINITIONS.—As used in this section:

(1) * * *

* * * * * * *

SECTION 604 OF THE SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999

SEC. 604. AUTHORIZATIONS OF APPROPRIATIONS.

(a) * * *

* * * * * * *

(e) CAPITAL SECURITY COST SHARING.—

(1) AUTHORITY.—Notwithstanding any other provision of law, all agencies with personnel overseas subject to chief of mission authority pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) shall participate and provide funding in advance for their share of costs of providing new, safe, secure United States diplomatic facilities, without offsets, on the basis of the total overseas presence of each agency as determined annually by the Secretary of State in consultation with such agency. Amounts advanced by such agencies to the Department of State shall be credited to the Embassy Security, Construction and Maintenance account, and remain available until expended.

(2) IMPLEMENTATION.—Implementation of this subsection shall be carried out in a manner that encourages right-sizing of each agency's overseas presence.

(3) EXCLUSION.—For purposes of this subsection "agency" does not include the Marine Security Guard.

TRANSFER OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, no language is included transferring unexpended balances.

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motiion to report, together with the names of those voting for and those voting against, are printed below:

ROLLCALL NO. 1

Date: June 23, 2004.

Measure: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2005.

Motion by: Mr. Serrano.

Description of motion: To increase the Small Business Administration's Business Loans Program Account by $78,887,000 to provide a subsidy appropriation for the 7(a) general Business Loan Program; and to designate $78,887,000 provided in the bill for the Small Business Administration's Disaster Loans Program Account as an emergency requirement.

Results: Rejected yeas 24 to nays 36.

Members Voting Yea	*Members Voting Nay*
Mr. Berry	Mr. Aderholt
Mr. Bishop	Mr. Bonilla
Ms. DeLauro	Mr. Boyd
Mr. Dicks	Mr. Crenshaw
Mr. Edwards	Mr. Culberson
Mr. Farr	Mr. Doolittle
Mr. Fattah	Mrs. Emerson
Mr. Hinchey	Mr. Frelinghuysen
Mr. Jackson	Mr. Goode
Ms. Kaptur	Ms. Granger
Mr. Kennedy	Mr. Hobson
Ms. Kilpatrick	Mr. Istook
Mrs. Lowey	Mr. Kingston
Mr. Mollohan	Mr. Kirk
Mr. Moran	Mr. Knollenberg
Mr. Murtha	Mr. Kolbe
Mr. Obey	Mr. LaHood
Mr. Olver	Mr. Latham
Mr. Price	Mr. Lewis
Mr. Rothman	Mr. Nethercutt
Ms. Roybal-Allard	Mrs. Northup
Mr. Sabo	Mr. Peterson
Mr. Serrano	Mr. Regula

Mr. Visclosky	Mr. Rogers
	Mr. Sherwood
	Mr. Simpson
	Mr. Sweeney
	Mr. Taylor
	Mr. Tiahrt
	Mr. Vitter
	Mr. Walsh
	Mr. Wamp
	Dr. Weldon
	Mr. Wicker
	Mr. Wolf
	Mr. Young

FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

ROLLCALL NO. 2

Date: June 23, 2004.

Measure: Commerce, Justice, State, the Judiciary Appropriations Bill, FY 2005.

Motion by: Mr. Tiahrt.

Description of motion: To strike language under the Department of Justice, Bureau of Alcohol, tobacco, Firearms and Explosives prohibiting the use of funds to disclose to the public information required to be kept by Federal firearms licenses; and to insert language prohibiting the use of funds to disclose certain information to anyone other than a Federal, State or local law enforcement agency or a prosecutor solely in connection with a bona fide criminal investigation and under certain conditions, except for statistical information concerning production, importation and exportation by licensed importers and manufacturers.

Results: Adopted yeas 42 to nays 19.

Members Voting yea		*Members Voting Nay*
Mr. Aderholt	Mr. Latham	Ms. DeLauro
Mr. Berry	Mr. Lewis	Mr. Dicks
Mr. Bishop	Mr. Mollohan	Mr. Farr
Mr. Bonilla	Mr. Nethercutt	Mr. Fattah
Mr. Boyd	Mrs. Northup	Mr. Hinchey
Mr. Cramer	Mr. Obey	Mr. Jackson
Mr. Crenshaw	Mr. Peterson	Ms. Kaptur
Mr. Culberson	Mr. Regula	Mr. Kennedy
Mr. Cunningham	Mr. Rogers	Mr. Kilpatrick
Mr. Doolittle	Mr. Sherwood	Mr. Kirk
Mr. Edwards	Mr. Simpson	Mrs. Lowey
Mrs. Emerson	Mr. Sweeney	Mr. Moran
Mr. Frelinghuysen	Mr. Taylor	Mr. Olver
Mr. Goode	Mr. Tiahrt	Mr. Price
Ms. Granger	Mr. Vitter	Mr. Rothman
Mr. Hobson	Mr. Walsh	Ms. Roybal-Allard
Mr. Istook	Mr. Wamp	Mr. Sabo
Mr. Kingston	Dr. Weldon	Mr. Serrano
Mr. Knollenberg	Mr. Wicker	Mr. Visclosky
Mr. Kolbe	Mr. Wolf	
Mr. LaHood	Mr. Young	

RESCISSIONS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:

Department of Justice, State and Local Law Enforcement Assistance Account	$20,000,000
Department of Justice, Community Oriented Policing Services Account	$61,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

The following table provides a detailed summary, for each Department and agency, comparing the amounts recommended in the bill with fiscal year 2004 enacted amounts and budget estimates presented for fiscal year 2005:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	105,564	186,551	103,045	-2,519	-83,506
Intelligence policy and review	---	---	21,861	+21,861	+21,861
Joint automated booking system	18,974	20,309	20,000	+1,026	-309
Automated Biometric Identification System-Integrated Identification system integration	5,046	5,054	5,054	+8	---
Legal activities office automation	26,749	---	50,000	+23,251	+50,000
Narrowband communications	102,085	101,971	100,000	-2,085	-1,971
Counterterrorism fund	989	---	---	-989	---
Administrative review and appeals	191,494	202,518	202,518	+11,024	---
Detention trustee	805,530	938,810	938,810	+133,280	---
Office of Inspector General	60,200	63,813	63,813	+3,613	---
Total, General administration	1,316,631	1,519,026	1,505,101	+188,470	-13,925
United States Parole Commission					
Salaries and expenses	10,498	10,650	10,650	+152	---
Legal Activities					
General legal activities:					
Direct appropriation	612,029	657,135	639,314	+27,285	-17,821
Radiation exposure compensation act	1,975	---	---	-1,975	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency appropriations (P.L. 108-106)	15,000	---	---	-15,000	---
Subtotal	629,004	657,135	639,314	+10,310	-17,821
Vaccine injury compensation trust fund (permanent)	3,985	6,333	6,333	+2,348	---
Legal activities office automation	---	80,510	---	---	-80,510
Antitrust Division	132,911	136,463	135,463	+2,552	-1,000
Offsetting fee collections - current year	-112,000	-101,000	-101,000	+11,000	---
Direct appropriation	20,911	35,463	34,463	+13,552	-1,000
United States Attorneys	1,510,193	1,547,519	1,535,000	+24,807	-12,519
United States Trustee System Fund	166,157	174,355	172,850	+6,693	-1,505
Offsetting fee collections	-158,157	-169,355	-167,850	-9,693	+1,505
Interest on U.S. securities	-8,000	-5,000	-5,000	+3,000	---
Direct appropriation	---	---	---	---	---
Foreign Claims Settlement Commission	1,193	1,220	1,220	+27	---
United States Marshals Service:					
Salaries and expenses (non-CSE)	712,203	742,070	752,070	+39,867	+10,000
Construction	13,918	1,371	1,371	-12,547	---
Total, United States Marshals Service	726,121	743,441	753,441	+27,320	+10,000
Fees and expenses of witnesses	156,145	177,585	177,585	+21,440	---
Community Relations Service	9,426	9,833	9,833	+407	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Assets forfeiture fund	21,530	21,759	21,759	+229	---
Payment to radiation exposure compensation trust fund	---	72,000	72,000	+72,000	---
Total, Legal activities	3,078,508	3,352,798	3,250,948	+172,440	-101,850
Interagency Law Enforcement					
Interagency crime and drug enforcement	---	580,632	561,033	+561,033	-19,599
Federal Bureau of Investigation					
Salaries and expenses	4,033,796	4,563,921	4,289,028	+255,232	-274,893
Counterintelligence and national security	484,947	495,000	916,000	+431,053	+421,000
Direct appropriation	4,518,743	5,058,921	5,205,028	+686,285	+146,107
Foreign terrorist tracking task force	60,949	56,349	---	-60,949	-56,349
Construction	11,056	---	10,242	-814	+10,242
Total, Federal Bureau of Investigation	4,590,748	5,115,270	5,215,270	+624,522	+100,000
Drug Enforcement Administration					
Salaries and expenses	1,703,038	1,815,719	1,815,719	+112,681	---
Diversion control fund	-118,561	-154,216	-154,216	-35,655	---
Subtotal	1,584,477	1,661,503	1,661,503	+77,026	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Interagency drug enforcement	550,609	---	---	-550,609	---
Total, Drug Enforcement Administration	2,135,086	1,661,503	1,661,503	-473,583	---
Bureau of Alcohol, Tobacco and Firearms	827,289	870,357	870,357	+43,068	---
Rescission	---	-1,500	---	---	+1,500
Total, Bureau of Alcohol, Tobacco and Firearms	827,289	868,857	870,357	+43,068	+1,500
Federal Prison System					
Salaries and expenses	4,414,313	4,706,232	4,567,232	+152,919	-139,000
Buildings and facilities	393,515	---	189,000	-204,515	+189,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,393	3,429	3,429	+36	---
Total, Federal Prison System	4,811,221	4,709,661	4,759,661	-51,560	+50,000
Office of Justice Programs					
Justice assistance	188,124	1,710,664	217,000	+28,876	-1,493,664
(By transfer)	(6,632)	---	---	(-6,632)	---
Rescission	---	-53,471	---	---	+53,471
Total, Office of Justice Programs	188,124	1,657,193	217,000	+28,876	-1,440,193

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
State and local law enforcement assistance:					
Local law enforcement block grant	222,633	---	---	-222,633	---
Boys and Girls clubs (earmark)	(79,628)	---	---	(-79,628)	---
National Institute of Justice (earmark)	(9,953)	---	---	(-9,953)	---
USA FREEDOM corps (earmark)	(2,967)	---	---	(-2,967)	---
Justice assistance grants	---	---	634,000	+634,000	+634,000
Boys and Girls clubs (earmark)	---	---	(80,000)	(+80,000)	(+80,000)
National Institute of Justice (earmark)	---	---	(15,000)	(+15,000)	(+15,000)
USA FREEDOM corps (earmark)	---	---	(5,000)	(+5,000)	(+5,000)
Indian assistance	14,842	---	15,000	+158	+15,000
Tribal prison construction	(1,991)	---	(2,000)	(+9)	(+2,000)
Indian tribal courts program	(7,963)	---	(8,000)	(+37)	(+8,000)
Indian grants	(4,977)	---	(5,000)	(+23)	(+5,000)
State criminal alien assistance program	296,843	---	325,000	+28,157	+325,000
Cooperative agreement program	1,979	---	---	-1,979	---
Byrne grants (formula)	494,739	---	---	-494,739	---
Byrne grants (discretionary)	157,443	---	110,000	-47,443	+110,000
Miscellaneous appropriations (P.L. 108-199)	49,705	---	---	-49,705	---
Drug courts	38,095	---	50,000	+11,905	+50,000
Other crime control programs	3,851	---	3,862	+11	+3,862
Assistance for victims of trafficking	9,894	---	10,000	+106	+10,000
Prescription drug monitoring	6,926	---	10,000	+3,074	+10,000
Prison rape prevention	36,784	---	52,175	+15,391	+52,175
State prison drug treatment	---	---	35,000	+35,000	+35,000
Intelligence sharing	---	---	10,000	+10,000	+10,000
Miscellaneous appropriations (P.L. 108-199)	2,237	---	---	-2,237	---
Total, State and local law enforcement	1,335,971	---	1,255,037	-80,934	+1,255,037

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Weed and seed program fund	57,926	---	51,169	-6,757	+51,169
Community oriented policing services:					
COPS enhancement grants	---	---	113,000	+113,000	+113,000
Hiring	118,737	---	---	-118,737	---
Training and technical assistance	---	17,625	---	---	-17,625
Bullet proof vests	24,737	---	25,000	+263	+25,000
Tribal law enforcement	24,737	20,000	---	-24,737	-20,000
Meth hot spots	53,482	20,000	60,000	+6,518	+40,000
Police corps	14,842	---	20,000	+5,158	+20,000
COPS technology	156,740	---	130,000	-26,740	+130,000
Interoperable communications	84,106	1,550	---	-84,106	-1,550
Criminal records upgrade	29,684	---	50,000	+20,316	+50,000
DNA backlog/crime lab	98,948	---	175,788	+76,840	+175,788
Paul Coverdell forensics science	9,894	---	---	-9,894	---
Crime identification technology	23,971	---	---	-23,971	---
Gun violence reduction	29,684	---	30,000	+316	+30,000
Southwest border prosecutors	29,684	---	40,000	+10,316	+40,000
Offender reentry	4,948	---	15,000	+10,052	+15,000
Safe schools initiative	4,552	---	---	-4,552	---
Police integrity grants	9,894	10,000	---	-9,894	-10,000
Management and administration	29,684	27,914	27,914	-1,770	---
Rescission	---	-53,471	---	---	+53,471
Total, Community oriented policing services	748,324	43,618	686,702	-61,622	+643,084
Violence against women office	383,551	362,477	383,551	---	+21,074
Juvenile justice programs	348,989	---	349,000	+11	+349,000
(Transfer out)	(-6,632)	---	---	(+6,632)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Public safety officers benefits:					
Death benefits	49,054	63,054	63,054	+14,000	---
Disability and education benefits	2,968	---	6,410	+3,442	+6,410
Total, Public safety officers benefits program	52,022	63,054	69,464	+17,442	+6,410
Total, Office of Justice Programs	3,114,907	2,126,342	3,011,923	-102,984	+885,581
United States Attorneys (sec. 111)	14,842	---	---	-14,842	---
Local law enforcement block grant (sec. 113)	544	---	---	-544	---
Rescission (sec. 114)	-100,000	---	---	+100,000	---
Total, title I, Department of Justice	19,800,274	19,944,739	20,846,446	+1,046,172	+901,707
Appropriations	(19,885,274)	(20,053,181)	(20,846,446)	(+961,172)	(+793,265)
Emergency appropriations	(15,000)	---	---	(-15,000)	---
Rescission	(-100,000)	(-108,442)	---	(+100,000)	(+108,442)
(Transfer out)	(-6,632)	---	---	(+6,632)	---
(By transfer)	(6,632)	---	---	(-6,632)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
RELATED AGENCIES					
Office of the United States Trade Representative					
Salaries and expenses	41,552	39,552	41,552	---	+2,000
International Trade Commission					
Salaries and expenses	57,682	61,700	61,700	+4,018	---
Total, Related agencies	99,234	101,252	103,252	+4,018	+2,000
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	391,102	401,513	401,513	+10,411	---
Offsetting fee collections	-13,000	-8,000	-8,000	+5,000	---
Direct appropriation	378,102	393,513	393,513	+15,411	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Bureau of Industry and Security					
Operations and administration	60,358	76,516	61,265	+907	-15,251
CWC enforcement	7,128	---	7,128	---	+7,128
Total, Bureau of Industry and Security	67,486	76,516	68,393	+907	-8,123
Economic Development Administration					
Economic development assistance programs	285,083	289,762	289,762	+4,679	---
Salaries and expenses	30,244	30,565	30,565	+321	---
Total, Economic Development Administration	315,327	320,327	320,327	+5,000	---
Minority Business Development Agency					
Minority business development	28,556	34,461	28,899	+343	-5,562
Total, Trade and Infrastructure Development	888,705	926,069	914,384	+25,679	-11,685
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	74,211	88,400	78,211	+4,000	-10,189
Bureau of the Census					
Salaries and expenses	192,761	220,425	202,765	+10,004	-17,660

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Periodic censuses and programs	431,464	608,171	571,116	+139,652	-37,055
Total, Bureau of the Census	624,225	828,596	773,881	+149,656	-54,715
National Telecommunications and Information Administration					
Salaries and expenses	14,450	22,101	15,282	+832	-6,819
Public telecommunications facilities, planning and construction	21,769	2,538	2,538	-19,231	---
Information infrastructure grants	14,842	---	---	-14,842	---
Total, National Telecommunications and Information Administration	51,061	24,639	17,820	-33,241	-6,819
United States Patent and Trademark Office					
Current year fee funding	1,222,460	1,314,653	1,314,653	+92,193	---
Spending from new fees (proposed legislation)	---	208,754	208,754	+208,754	---
Total, Patent and Trademark Office	1,222,460	1,523,407	1,523,407	+300,947	---
Offsetting fee collections	-1,222,460	-1,314,653	-1,314,653	-92,193	---
Total, Economic and Information Infrastructure	749,497	1,150,389	1,078,666	+329,169	-71,723

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
SCIENCE AND TECHNOLOGY					
Technology Administration					
Office of Technology Policy					
Salaries and expenses	6,343	8,294	6,547	+204	-1,747
National Institute of Standards and Technology					
Scientific and technical research and services	340,743	413,886	366,856	+26,113	-47,030
Industrial technology services	216,480	39,190	106,000	-110,480	+66,810
Construction of research facilities	64,271	59,411	43,132	-21,139	-16,279
Working capital fund	---	8,982	8,982	+8,982	---
Total, National Institute of Standards and Technology	621,494	521,469	524,970	-96,524	+3,501
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	2,658,251	2,377,841	2,245,000	-413,251	-132,841
(By transfer from Promote and Develop Fund)	(62,000)	(79,000)	(79,000)	(+17,000)	---
By transfer from Coastal zone management	---	3,000	---	---	-3,000
Deobligations returned	-15,000	---	---	+15,000	---
Total, Operations, research, and facilities	2,643,251	2,380,841	2,245,000	-398,251	-135,841
Procurement, acquisition and construction	979,708	898,510	840,000	-139,708	-58,510
Pacific coastal salmon recovery	89,052	100,000	80,000	-9,052	-20,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Coastal zone management fund	-3,000	-3,000	-3,000	---	---
Fishermen's contingency fund	---	956	---	---	-956
Foreign fishing observer fund	---	191	---	---	-191
Fisheries finance program account	-8,000	-4,000	-4,000	+4,000	---
Total, National Oceanic and Atmospheric Administration	3,701,011	3,373,498	3,158,000	-543,011	-215,498
Total, Science and Technology	4,328,848	3,903,261	3,689,517	-639,331	-213,744
Departmental Management					
Salaries and expenses	46,791	56,021	52,109	+5,318	-3,912
Office of Inspector General	20,894	22,249	22,249	+1,355	---
Total, Departmental management	67,685	78,270	74,358	+6,673	-3,912
EDA conveyance (sec. 209)	989	---	---	-989	---
Procurement, acquisition and construction (sec. 212)	6,065	---	---	-6,065	---
Lobster (sec. 213)	495	---	---	-495	---
Non-pollock west coast groundfish (sec. 214)	495	---	---	-495	---
Total, Department of Commerce	5,943,545	5,956,737	5,653,673	-289,872	-303,064

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescission (sec. 215)	-100,000	---	---	+100,000	---
Total, title II, Department of Commerce and related agencies	5,942,779	6,057,989	5,756,925	-185,854	-301,064
Appropriations	(6,042,779)	(6,057,989)	(5,756,925)	(-285,854)	(-301,064)
Rescission	(-100,000)	---	---	(+100,000)	---
(By transfer)	(62,000)	(79,000)	(79,000)	(+17,000)	---
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,896	1,985	1,985	+89	---
Other salaries and expenses	52,901	56,137	56,137	+3,236	---
Total, Salaries and expenses	54,797	58,122	58,122	+3,325	---
Care of the building and grounds	10,480	10,579	9,979	-501	-600
Miscellaneous appropriations (P.L. 108-199)	15,906	---	---	-15,906	---
Total, Supreme Court of the United States	81,183	68,701	68,101	-13,082	-600
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,237	2,257	2,257	+20	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Other salaries and expenses	18,231	22,750	20,679	+2,448	-2,071
Total, Salaries and expenses	20,468	25,007	22,936	+2,468	-2,071
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,721	1,757	1,757	+36	---
Other salaries and expenses	12,217	13,316	13,131	+914	-185
Total, Salaries and expenses	13,938	15,073	14,888	+950	-185
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	274,504	289,877	289,877	+15,373	---
Other salaries and expenses	3,680,532	4,030,367	3,887,367	+206,835	-143,000
Direct appropriation	3,955,036	4,320,244	4,177,244	+222,208	-143,000
Vaccine Injury Compensation Trust Fund	3,159	3,471	3,471	+312	---
Defender services	598,116	681,612	676,469	+78,353	-5,143
Fees of jurors and commissioners	57,213	62,800	62,800	+5,587	---
Court security	274,580	383,282	379,580	+105,000	-3,702
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,888,104	5,451,409	5,299,564	+411,460	-151,845

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Administrative Office of the United States Courts					
Salaries and expenses	65,305	72,154	68,635	+3,330	-3,519
Federal Judicial Center					
Salaries and expenses	21,214	22,126	21,737	+523	-389
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	29,000	36,700	36,700	+7,700	---
United States Sentencing Commission					
Salaries and expenses	12,224	13,456	13,304	+1,080	-152
Total, title III, the Judiciary	5,131,436	5,704,626	5,545,865	+414,429	-158,761
TITLE IV - DEPARTMENT OF STATE AND RELATED AGENCY					
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	3,384,013	3,626,343	3,580,000	+195,987	-46,343
(Transfer out)	(-4,000)	(-4,000)	(-4,000)	---	---
Worldwide security upgrades	639,896	658,701	658,701	+18,805	---
Worldwide IT infrastructure	39,579	---	40,000	+421	+40,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2004
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency appropriations (P.L. 108-106)	120,500	---	---	-120,500	---
Total, Diplomatic and consular programs	4,183,988	4,285,044	4,278,701	+94,713	-6,343
Capital investment fund	79,158	155,100	100,000	+20,842	-55,100
Office of Inspector General	31,370	30,435	30,435	-935	---
Educational and cultural exchange programs	316,633	345,346	345,346	+28,713	---
Representation allowances	8,905	8,640	8,640	-265	---
Protection of foreign missions and officials	9,894	9,600	9,894	---	+294
Embassy security, construction, and maintenance	524,423	626,680	611,680	+87,257	-15,000
Worldwide security upgrades	852,335	912,320	912,320	+59,985	---
Emergency appropriations (P.L. 108-106)	43,900	---	---	-43,900	---
Emergencies in the diplomatic and consular service	989	7,000	7,000	+6,011	---
(By transfer)	(4,000)	(4,000)	(4,000)	---	---
(Transfer out)	(-1,000)	(-1,000)	(-1,000)	---	---
Emergency appropriations (P.L. 108-106)	115,500	---	---	-115,500	---
Repatriation Loans Program Account:					
Direct loans subsidy	605	612	612	+7	---
Administrative expenses	600	607	607	+7	---
(By transfer)	(1,000)	(1,000)	(1,000)	---	---
Total, Repatriation loans program account	1,205	1,219	1,219	+14	---
Payment to the American Institute in Taiwan	18,585	19,482	19,482	+897	---
Payment to the Foreign Service Retirement and Disability Fund	134,979	132,600	132,600	-2,379	---
Total, Administration of Foreign Affairs	6,321,864	6,533,466	6,457,317	+135,453	-76,149

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	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Organizations					
Contributions to international organizations, current year assessment	999,830	1,194,210	1,194,210	+194,380	---
Contributions for international peacekeeping activities, current year	450,056	650,000	650,000	+199,944	---
Emergency appropriations (P.L. 108-106)	245,000	---	---	-245,000	---
Total, International Organizations and Conferences	1,694,886	1,844,210	1,844,210	+149,324	---
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	25,726	30,300	26,800	+1,074	-3,500
Construction	3,513	8,545	4,475	+962	-4,070
American sections, international commissions	8,849	10,756	9,356	+507	-1,400
International fisheries commissions	19,097	20,800	19,097	---	-1,703
Total, International commissions	57,185	70,401	59,728	+2,543	-10,673
Other					
Payment to the Asia Foundation	12,864	8,880	13,000	+136	+4,120
International Center for Middle Eastern-Western dialogue	6,926	---	---	-6,926	---
Eisenhower Exchange Fellowship program	495	500	500	+5	---
Israeli Arab scholarship program	371	375	375	+4	---

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(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
East-West Center	17,692	13,709	5,000	-12,692	-8,709
National Endowment for Democracy	39,579	80,000	51,000	+11,421	-29,000
Total, Department of State	8,151,862	8,551,541	8,431,130	+279,268	-120,411
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	540,292	533,111	601,740	+61,448	+68,629
Emergency appropriations (P.L. 108-106)	40,000	---	---	-40,000	---
Broadcasting to Cuba	---	27,629	---	---	-27,629
Broadcasting capital improvements	11,275	8,560	8,560	-2,715	---
Total, Broadcasting Board of Governors	591,567	569,300	610,300	+18,733	+41,000
Total, title IV, Department of State and Related Agency	8,743,429	9,120,841	9,041,430	+298,001	-79,411
Appropriations	(8,178,529)	(9,120,841)	(9,041,430)	(+862,901)	(-79,411)
Emergency appropriations	(564,900)	---	---	(-564,900)	---
(Transfer out)	(-5,000)	(-5,000)	(-5,000)	---	---
(By transfer)	(5,000)	(5,000)	(5,000)	---	---
TITLE V - RELATED AGENCIES					
Antitrust Modernization Commission					
Salaries and expenses	1,187	1,200	1,200	+13	---

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AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2005
(Amounts in thousands)

	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Commission on the Abraham Lincoln Study Abroad Fellowship Program					
Salaries and expenses (P.L. 108-199)	497	---	---	-497	---
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	491	499	499	+8	---
Commission on Civil Rights					
Salaries and expenses	9,001	9,096	9,096	+95	---
Commission on International Religious Freedom					
Salaries and expenses	2,968	3,000	3,000	+32	---
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,598	1,831	1,831	+233	---
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	1,781	1,900	1,900	+119	---

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	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Equal Employment Opportunity Commission					
Salaries and expenses	324,944	350,754	334,944	+10,000	-15,810
Federal Communications Commission					
Salaries and expenses	273,947	292,958	279,851	+5,904	-13,107
Offsetting fee collections - current year	-272,958	-272,958	-272,958	---	---
Direct appropriation	989	20,000	6,893	+5,904	-13,107
Federal Trade Commission					
Salaries and expenses	185,505	205,430	203,430	+17,925	-2,000
Offsetting fee collections - current year	-112,000	-101,000	-101,000	+11,000	---
Offsetting fee collections, telephone database	-23,100	-20,000	-21,901	+1,199	-1,901
Direct appropriation	50,405	84,430	80,529	+30,124	-3,901
HELP Commission					
Salaries and expenses	2,968	---	1,000	-1,968	+1,000
Legal Services Corporation					
Payment to the Legal Services Corporation	335,282	329,300	335,282	---	+5,982

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	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Marine Mammal Commission					
Salaries and expenses	1,836	1,890	1,890	+54	---
National Veterans Business Development Corporation					
National Veterans Business Development Corporation	1,979	2,000	2,000	+21	---
Securities and Exchange Commission					
Salaries and expenses	811,500	913,000	913,000	+101,500	---
Prior year unobligated balances	-120,000	-20,000	-20,000	+100,000	---
Direct appropriation	691,500	893,000	893,000	+201,500	---
Small Business Administration					
Salaries and expenses	322,322	326,259	322,322	---	-3,937
Miscellaneous appropriations (P.L. 108-199)	497	---	---	-497	---
Office of Inspector General	12,864	14,500	14,500	+1,636	---
Surety bond guarantees revolving fund	---	11,400	11,400	+11,400	---
Business Loans Program Account:					
Direct loans subsidy	1,890	---	---	-1,890	---
Guaranteed loans subsidy	78,299	---	---	-78,299	---
Administrative expenses	126,653	129,000	128,000	+1,347	-1,000
Total, Business loans program account	206,842	129,000	128,000	-78,842	-1,000

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	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Disaster Loans Program Account:					
Direct loans subsidy	55,597	78,887	78,887	+23,290	---
Administrative expenses	113,159	118,354	117,000	+3,841	-1,354
Gainsharing	---	---	---	---	---
Total, Disaster loans program account	168,756	197,241	195,887	+27,131	-1,354
Total, Small Business Administration	711,281	678,400	672,109	-39,172	-6,291
State Justice Institute					
Salaries and expenses	2,227	---	2,227	---	+2,227
United States - China Economic and Security Review Commission					
Salaries and expenses	1,979	2,000	3,000	+1,021	+1,000

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	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Institute of Peace					
Operating expenses	17,099	22,099	23,000	+5,901	+901
Emergency supplemental appropriations (P.L. 108-106)	10,000	---	---	-10,000	---
Total, United States Institute of Peace	27,099	22,099	23,000	-4,099	+901
Total, title V, Related agencies	2,170,012	2,401,399	2,373,400	+203,388	-27,999
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working Capital fund (rescission)	-67,326	---	---	+67,326	---
Counterterrorism fund (rescission)	-40,000	---	---	+40,000	---
Legal Activities					
Assets forfeiture fund (rescission)	-61,608	---	---	+61,608	---
Federal Prison System					
Buildings and facilities (rescission)	-51,895	---	---	+51,895	---

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	FY 2004 Enacted	FY 2005 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Justice Programs					
State & local law enforcement assistance (rescission).	-21,600	---	-20,000	+1,600	-20,000
Community oriented policing services (rescission).....	-6,378	---	-61,000	-54,622	-61,000
Juvenile justice programs (rescission).....	-15,900	---	---	+15,900	---
DEPARTMENT OF COMMERCE					
National Oceanic and Atmostpheric Administration					
NERRS construction (rescission).....	-2,500	---	---	+2,500	---
Departmental Management					
Emergency steel guaranteed loan program account (rescission).....	---	-13,000	---	---	+13,000
Travel and tourism (rescission).....	-40,000	---	---	+40,000	---
Total, title VII, Rescissions.....	-307,207	-13,000	-81,000	+226,207	-68,000
Grand total:					
New budget (obligational) authority.....	41,480,723	43,216,594	43,483,066	+2,002,343	+266,472
Appropriations.....	(41,398,030)	(43,338,036)	(43,564,066)	(+2,166,036)	(+226,030)
Emergency appropriations.....	(589,900)	---	---	(-589,900)	---
Rescissions.....	(-507,207)	(-121,442)	(-81,000)	(+426,207)	(+40,442)
(Transfer out).....	(-11,632)	(-5,000)	(-5,000)	(+6,632)	---
(By transfer).....	(73,632)	(84,000)	(84,000)	(+10,368)	---

ADDITIONAL VIEWS OF THE HONORABLE DAVID R. OBEY AND JOSE E. SERRANO

We support the bill despite a handful of concerns about the Departments of Justice and State and reservations about the effect of the bill on the small business community and on our commitment to conservation.

Under the direction of Chairman Wolf, and with the help of an allocation that was $240 million above the President's request, the committee has managed to dig much of the way out of the deep hole created by the President's budget. We appreciate the fair manner in which both the subcommittee and full committee Chairmen have treated the Minority and the many good things in this bill.

The bill restores $885 million of the $1 billion shortfall in state and local law enforcement assistance while rejecting the Administration's proposal to charge State and local law enforcement for FBI and DEA forensic lab services. The bill increases FBI funding to enhance the nation's counterterrorism effort while creating a new, Department-wide Office of Privacy and Civil Rights, to sensitize the Justice Department to such concerns. The bill restores funding for the Manufacturing Extension Partnership and maintains Legal Services Corporation funding. The bill provides full funding for State Department worldwide security programs, for educational and cultural exchanges, and for the UN, including the capital master plan. Report language directs the State Department to establish a new permanent office to plan for reconstruction and post-conflict stability, making clear State's preeminent role in such planning.

However, we are deeply concerned about a Department of Justice that has provided legal advice supporting and justifying torture, that has advocated the indefinite detention, without charge or trial, of American citizens, and that has routinely denied legitimate Congressional requests for information about these policies while conducting trials by press conference and leaking a portion of the requested material to the press as part of a "public relations campaign." We remain concerned that the United States has made, or is on the verge of making, new commitments for several international peacekeeping operations, including in Haiti and Sudan, for which the President has requested no funds and for which this bill does not provide sufficient resources. We remain concerned that the United States will be sending State Department and other government civilians to Iraq to support our mission there, without providing sufficient resources to secure and protect these employees. We fervently hope that the Administration will at some point give up its desire to hide the cost of our international commitments and request supplemental funding for these urgently needed missions.

We are also concerned that the bill does not overturn the President's elimination of the Technology Opportunities Program, the

Advanced Technology Program and new Public Telecommunications Facilities, Planning and Construction grants.

In addition, we have two reservations regarding small business and conservation. The bill adopts much of the President's Small Business Administration request, which eliminates the Microloan Technical Assistance program and the subsidy appropriation for 7(a) loans. The Microloan program enables low-income and unemployed individuals to become self-sufficient. According to recent data, 72 percent of low-income microentrepreneurs increased their household income over five years and more than half—53 percent—of these entrepreneurs moved over the poverty line. By offering technical assistance, including pre-loan counseling, the program has maintained an extremely low default rate. We are hopeful that funding may be restored as the bill moves forward, and we are heartened by Chairman Wolf's suggestion that we work together to make that happen.

The bill also accepts the President's odd assumption that providing zero subsidy appropriations will somehow make the 7(a) loan program more stable. The 7(a) program is the largest SBA financing program, supporting $12.5 billion in loans. About 30% of all long-term, small business financing is through 7(a). The program is funded by a combination of subsidy appropriations and fees paid by participating borrowers and lenders. For FY 2005, the Administration proposed eliminating the subsidy appropriation and operating the program solely on a fee and recovery basis which would be the first time in its more than 50 years of operation. Even without zero subsidy, the fees will substantially increase in FY 2005. Instead of encouraging the small business community, zero subsidy will further increase fees and drive lenders and small businesses away from the program. Ranking member Serrano offered an amendment in committee to restore the subsidy appropriation but the amendment was defeated with not a single Republican member voting to sustain the 7(a) appropriation.

We are also disappointed that the bill provides $540 million less than the FY 2004 level for NOAA and, as a consequence, the bill fails to fulfill our commitment to conservation. In FY 2001, Congress made a multi-year commitment to appropriate needed increases for high-priority conservation programs. The commitment includes important NOAA conservation items such as the Coastal and Estuarine Land Conservation program, nonpoint source pollution, marine protected areas and National Marine Sanctuaries, coral reef restoration, Coastal Zone Management grants, and Pacific Salmon recovery. However, we are encouraged that Chairman Wolf has committed to improving the conservation numbers in conference.

We support the bill despite our concerns and reservations. We look forward to working with Chairman Wolf to improve the bill as it continues through the process.

DAVID R. OBEY.
JOSÉ E. SERRANO.

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